



POLICE DEPARTMENT CITY OF ARANSAS PASS

Darrell Jones, Chief of Police

COPY

December 8, 2004

To: **All Police Department Employees**

From: **Darrell Jones, Chief of Police**

Re: **General Orders / Policies & Procedures Manual**

This Department is now distributing the new General Orders Manual. All employees shall sign acknowledgement of receipt of their copy of the General Orders manual.

Any questions about the rules and regulations or any of the contents of the manual will be directed to the office of the Chief of Police in a written form no later than December 31, 2004.

It will be assumed that all Aransas Pass Police Department employees have read, understand and will abide by all rules and regulations contained therein.

Darrell Jones, Chief of Police

I, **Bill Haines**, have received copy 007 of the Aransas Pass Police Department General Orders / Policies & Procedures Manual.

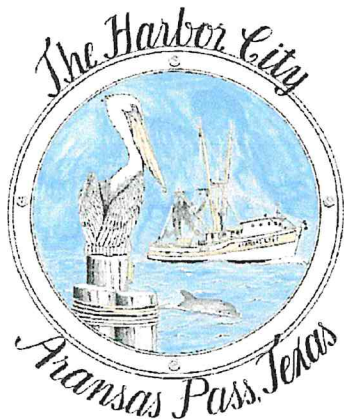
Signature: _____

Date: _____

600 W. Cleveland Blvd. - P. O. Box 203 - Aransas Pass, Texas 78335-2000

Phone (361) 758-5224

Fax (361) 758-3402



POLICE DEPARTMENT
CITY OF ARANSAS PASS, TEXAS
Darrell Jones, Chief of Police

April 4, 2007

Mike Sullinger
City Manager
Aransas Pass, Texas

Mr. Sullinger, effective April 4, 2007 the Aransas Pass Police Department implemented new policy in regards to housing prisoners.

Aransas Pass Police Department Policy:

The Aransas Pass Police Department will only house prisoners for no more than 72 hours.

The facility does not have the means to care for prisoners longer than 72 hours.

Class C prisoners will be released after 72 hours.

Class B through Felony prisoners will be transported to the appropriate County Jail.


Darrell Jones
Chief of Police

CITY OF ARANSAS PASS

ELECTRONIC ACCESS (ePOLICIES)

1. GENERAL

The City of Aransas Pass provides some, if not all, employees with electronic access, consisting of an e-mail system, a network connection, and Internet/Intranet access. This policy governs all use of City of Aransas Pass's network, Internet/Intranet access, and e-mail system at all City of Aransas Pass locations and offices. This policy includes, but is not limited to, electronic mail, chat rooms, the Internet, news groups, electronic bulletin boards, City of Aransas Pass's Intranet and all other City of Aransas Pass electronic messaging systems.

E-MAIL

2. E-MAIL POLICIES AND PROCEDURES

City of Aransas Pass's e-mail system is designed to improve service to its customers, enhance internal communications, and reduce paperwork. Employees using City of Aransas Pass's email system must adhere to the following policies and procedures:

- City of Aransas Pass's e-mail system, network, and Internet/Intranet access are intended for business-use only. Employees may access e-mail and the Internet for personal use only during non-working hours, and strictly in compliance with the terms of this policy.
- All information created, sent, or received via City of Aransas Pass's e-mail system, network, Internet, or Intranet, including all e-mail messages and electronic files, is the property of City of Aransas Pass. Employees should have no expectation of privacy regarding this information. City of Aransas Pass reserves the right to access, read, review, monitor, copy all messages and files on its computer system at any time and without notice. When deemed necessary, City of Aransas Pass reserves the right to disclose text or images to law enforcement agencies or other third parties without the employee's consent.
- Use extreme caution to ensure that the correct e-mail address is used for the intended recipient(s).
- Any message or file sent via e-mail must have the employee's name attached. Personal e-mail accounts are not permitted unless expressly authorized in advance by City of Aransas Pass's City Manager or Systems Administrator. Alternate Internet Service Provider connections to City of Aransas Pass's internal network are not permitted.
- Confidential information should not be sent via e-mail unless encrypted by City of Aransas Pass approved encryption software and according to established City of Aransas Pass procedure in affect at the time of transmittal. This includes the transmission of customer financial information, Social Security numbers, employee health records, or other confidential material.

EXHIBIT A

- Employees must provide the System Administrator with all passwords.
- Only the System Administrator is authorized to access another person's e-mail without consent.
- Employees should exercise sound judgment when distributing messages. Client-related messages should be carefully guarded and protected. Employees must also abide by copyright laws, ethics rules, and other applicable laws.
- E-mail messages must contain professional and appropriate language at all times. Employees are prohibited from sending abusive, harassing, intimidating, threatening, and discriminatory or otherwise offensive messages via e-mail. Sending abusive, harassing, intimidating, threatening, discriminatory, or otherwise offensive messages via e-mail will result in disciplinary action up to and including termination.
- E-mail usage must conform to City of Aransas Pass's harassment and discrimination policies.
- Use of City of Aransas Pass's e-mail system to solicit for any purpose, personal or otherwise, without the consent of City of Aransas Pass is strictly prohibited.
- Chain messages and executable graphics and/or programs should be deleted. Any employee engaging in the transmission of inappropriate e-mails, as determined by management, will be subject to discipline, up to and including termination.
- Employees should archive messages to prevent them from being automatically deleted. All messages archived in City of Aransas Pass's computer system shall be deemed City of Aransas Pass property, as is all information on City of Aransas Pass's systems. Employees are responsible for knowing City of Aransas Pass's e-mail retention policies.
- Misuse and/or abuse of electronic access, including but not limited to, personal use during working hours, copying or downloading copyrighted materials, visiting pornographic sites or sending abusive e-mail messages will result in disciplinary action, up to and including termination.

Violation of any of these policies will subject an employee to disciplinary action, up to and including termination.

EXHIBIT A

NETWORK AND INTERNET POLICY

3. PERSONAL RESPONSIBILITY

By accepting an account password, related information, and accessing City of Aransas Pass's Network or Internet system, an employee agrees to adhere to City of Aransas Pass policies regarding their use. You also agree to report any misuse or policy violation(s) to your supervisor.

4. PERMITTED USE AND TERM

Use of the Network and the Internet is a privilege, not a right. Use of Network and Internet access extends throughout an employee's term of employment, providing the employee does not violate City of Aransas Pass's policies regarding Network, Internet or Intranet use.

5. AVAILABILITY AND ACCESS

City of Aransas Pass reserves the right to suspend access at any time, without notice, for technical reasons, possible policy violations, security or other concerns.

6. CONTENT AND COMMUNICATIONS

City of Aransas Pass, at its sole discretion, will determine what materials, files, information, software, communications, and other content and/or activity will be permitted or prohibited.

7. PRIVACY

Network and Internet access is provided as a tool for our organization's business. City of Aransas Pass reserves the right to monitor, inspect, copy, review, and store at any time and without prior notice any and all usage of the Network and the Internet, as well as any and all materials, files, information, software, communications, and other content transmitted, received, or stored in connection with this usage.

All such information, content, and files are the property of City of Aransas Pass. An employee should have no expectation of privacy regarding them. System Administrator may review files and intercept communications for any reason, including but not limited to maintaining system integrity and ensuring employees are using the system consistently with this Policy.

8. DOWNLOADED FILES

Files are not to be downloaded from the Internet without the prior authorization of the System Administrator. Any files authorized for download from the Internet must be scanned with virus detection software before being opened. Employees are reminded that information obtained from the Internet is not always reliable and should be verified for accuracy before use.

EXHIBIT A

9. CONFIDENTIAL INFORMATION

Employees may have access to confidential information about City of Aransas Pass, other employees and clients. With the approval of management, employees may use e-mail to communicate confidential information internally to those with a need to know. Such e-mail must be marked "Confidential." For purposes of this policy, confidential information includes, but is not limited to:

- (a) Procedures for computer access and passwords of City of Aransas Pass's clients and customers, program manuals, user manuals, or other documentation, run books, screen, file, or database layouts, systems flowcharts, and all documentation normally related to the design or implementation of any computer programs developed by City of Aransas Pass relating to computer programs or systems installed either for customers or for internal use;
- (b) Lists of customers and the names of individuals at each client or customer location with whom City of Aransas Pass deals, the type of equipment or computer software they purchase or use, and information relating to those clients and customers which has been given to City of Aransas Pass by them or developed by City of Aransas Pass, relating to computer programs or systems installed;
- (c) Lists of or information about personnel seeking employment with or who are employed by City of Aransas Pass;
- (d) Prospect lists for actual or potential clients and customers of City of Aransas Pass and contact persons at such actual or potential clients and customers;
- (e) Any other information relating to City of Aransas Pass's research, development, purchasing, engineering, marketing, merchandising, and selling.

10. PROHIBITED ACTIVITIES

Employees are prohibited from using City of Aransas Pass's e-mail system, network, or Internet/Intranet access for the following activities:

- Downloading software without the prior written approval of City of Aransas Pass's Systems Administrator.
- Printing or distributing copyrighted materials. This includes, but is not limited to, software, articles and graphics protected by copyright.
- Using software that is not licensed by the manufacturer or approved by City of Aransas Pass
- Sending, printing, or otherwise disseminating City of Aransas Pass's proprietary data, or any other information deemed confidential by City of Aransas Pass, to unauthorized persons.
- Operating a business, soliciting money for personal gain or otherwise engaging in commercial activity outside the scope of employment.
- Searching for outside employment.
- Making offensive or harassing statements based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation.
- Sending or forwarding messages containing defamatory, obscene, offensive, or harassing statements. An employee should notify their supervisor and/or Human Resource manager immediately upon receiving such a message. This type of message should not be forwarded.

EXHIBIT A

- Sending or forwarding a message that discloses personal information without City of Aransas Pass authorization. This shall also include accessing, transmitting, receiving, or seeking confidential information about clients or fellow employees without authorization.
- Sending ethnic, sexual-preference or gender-related slurs and/or jokes via e-mail. "Jokes", which often contain objectionable material, are easily misconstrued when communicated electronically.
- Sending or soliciting sexually oriented messages or images.
- Attempting to access or visit sites featuring pornography, terrorism, espionage, theft, or drugs. (except in the course of an ongoing investigation by the law enforcement divisions of the City of Aransas Pass Police Department.)
- Gambling or engaging in any other criminal activity in violation of local, state, or federal law.
- Engaging in unethical activities or content.
- Participating in activities, including the preparation or dissemination of content, which could damage City of Aransas Pass's professional image, reputation and/or financial stability.
- Permitting or granting use of an e-mail or system account to another employee or persons outside City of Aransas Pass. Permitting another person to use an account or password to access the Network or the Internet, including but not limited to someone whose access has been denied or terminated, is a violation of this policy.
- Using another employee's password or impersonating another person while communicating or accessing the Network or Internet.
- Introducing a virus, harmful component, corrupted data or the malicious tampering with any of City of Aransas Pass's computer systems
- Attempting to compromise the City of Aransas Pass's computer system in any way.

11. COMPUTER EQUIPMENT

The following policies are designed to reduce repair costs, maintain the integrity of our system and protect City of Aransas Pass's assets. Employees should adhere to the following:

- Do not keep liquids or magnets on or near the computer.
- Do not remove any computer from the building without written permission from management.
- Do not transport disks back and forth between home and office. This will help minimize exposure to viruses.

EXHIBIT A

12. COMPLIANCE

Though each individual is responsible for his/her own actions, management personnel are responsible for ensuring employee compliance with City of Aransas Pass policy.

Any employee aware of a policy violation should immediately report the violation to their supervisor, City of Aransas Pass's City Manager or Systems Administrator and/or the Human Resource manager.

Employees who violate this policy and/or use City of Aransas Pass's e-mail system, network, Internet, or Intranet access for improper purposes will be subject to disciplinary action, up to and including termination.

13. NONCOMPLIANCE

Violation of these policies may result in disciplinary action up to and including termination.

EXHIBIT A

SOFTWARE USAGE POLICY

14. SOFTWARE USAGE POLICIES AND PROCEDURES

Software piracy is both a crime and a violation of City of Aransas Pass's Software Usage Policy.

Employees are to use software strictly in accordance with its license agreement. Unless otherwise provided in the license, the duplication of copyrighted software (except for backup and archival purposes by designated managerial personnel) is a violation of copyright law. In addition to being in violation of the law, unauthorized duplication of software is contrary to City of Aransas Pass's standards of employee conduct.

To ensure compliance with software license agreements and City of Aransas Pass's Software Usage Policy, employees must adhere to the following:

1. Employees must use software in accordance with the manufacturer's license agreements and City of Aransas Pass's Software Usage Policy. City of Aransas Pass licenses the use of computer software from a variety of outside companies. City of Aransas Pass does not own the copyright to software licensed from other companies. Employees acknowledge they do not own software or its related documentation. Employees may not make additional copies of software, unless expressly authorized by the software publisher. The only exception will be a single copy, as authorized by designated managerial personnel, for backup or archival purposes.
2. Employees illegally reproducing software may be subject to civil and criminal penalties including fines and imprisonment.

NOTE: Unauthorized reproduction of software is a federal offense under US and other international copyright law. In the United States, violators may be subject to civil damages in amounts up to \$150,000 per title copied. Criminal penalties include fines as high as \$250,000 per software title copied, and imprisonment of up to 5 years.

3. Any employee who knowingly makes, acquires, or uses unauthorized copies of computer software licensed to City of Aransas Pass, or who places or uses unauthorized software on City of Aransas Pass's premises or equipment shall be subject to disciplinary action, up to and including termination.
4. City of Aransas Pass does not condone and prohibits the unauthorized duplication of software.
5. Employees are not permitted to install their personal software onto City of Aransas Pass's computer system. Employees are not permitted to copy software from City of Aransas Pass's computer system for installation on home or other computers.

EXHIBIT A

6. In cases that require an employee to use software at home, City of Aransas Pass will purchase an additional copy or license. Employee acknowledges that any additional copies or licenses purchased for home use are the property of City of Aransas Pass. Employees who are required to use software at home should consult with the Systems Administrator to determine if appropriate licenses allow for home use.
7. Employees are prohibited from giving software or fonts to clients, customers, vendors, and other persons not in the employ of City of Aransas Pass. Under no circumstances will City of Aransas Pass use software from an unauthorized source, including, but not limited to, the Internet, home, friends, and colleagues.
8. Employees who suspect or become aware of software misuse are required to notify their supervisor, City Manager or Systems Administrator, or department manager.
9. All software used on City of Aransas Pass-owned computers will be purchased through appropriate procedures.
10. This Policy will become effective March 7, 2005.

I have read and I understand this Electronic Access Policy for the City of Aransas Pass. I agree to abide by this policy.

Signature

Date

Printed Name



CITY OF ARANSAS PASS, TEXAS

General Orders, Policy & Procedures For The Aransas Pass Police Department

Juan P. Torres, Mayor
Jesus Galvan, Mayor Pro-Tempore
Dorothy Roberts, Councilmember
Frank Hametner, Councilmember
Jay Attaway, Councilmember

Don Taylor, City Manager

Lois Rogers, City Attorney

Darrell Jones, Chief of Police



CITY OF ARANSAS PASS, TEXAS

THE CITY OF ARANSAS PASS POLICE DEPARTMENT **General Orders, Policy & Procedures Manual**

This manual was prepared for the purpose of delineating the fundamental elements of an orderly administration of Law Enforcement Personnel rules and regulations, and to describe the manner in which the Police Department assures a fair and equal opportunity for all employees.

Both professional law enforcement administration and the management of liability require a manual that governs the activities of a Police Department. A manual of rules and procedures guides the day-to-day legal and ethical functioning of a Police Department.

The purpose of this General Orders Manual is to provide guidelines for the operation of the Aransas Pass Police Department. This manual has been written to inform not only employees, but also the public, of the principles to be adhered to in the performance of the law enforcement function.

Command and supervisory personnel are charged with the responsibility to assure that input is gathered from all responsible sources and are accountable for the proper dissemination and implementation of all adopted policies and procedures.

Due to the frequent changes in the law and the needs of the community, this manual will require frequent review and revision. Each employee is charged with the responsibility to present his ideas for revisions, additions, or deletions to the manual.



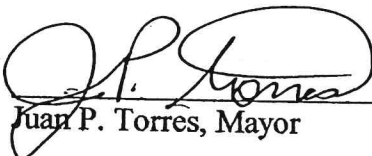
CITY OF ARANSAS PASS, TEXAS

As with any system of written directives, situations will undoubtedly arise which are not specifically addressed by directives within this manual. In those instances the employee should rely upon the principles outlined by the "Law Enforcement Code of Ethics."

In the preparation of this manual, all policies, procedures and practices have been reviewed to assure that no discriminatory actions may occur without remedial process.

It is the City's earnest desire to insure that assignments of workplace and working environment and conditions are done so on a non-discriminatory basis.

In consideration of a good working relationship and understanding, in the interest of assuring all employees that their peers and colleagues likewise have their co-employees best interest in mind, disciplinary measures have been promulgated herein for the protection of all of our staff.



Juan P. Torres, Mayor

10/18/2004

Date



Don Taylor, City Manager



Darrell Jones, Chief of Police



CITY OF ARANSAS PASS, TEXAS

ABSTRACT

Title: General Orders for the City of Aransas Pass Police Department

Author: The City of Aransas Pass, Texas

Subject: Documentation of personnel General Orders, Policies and Procedures, assuring equal opportunity.

Date: October 18, 2004

Source: Texas Municipal League
National Association of Chiefs of Police
Dickinson Police Department
Kemah Police Department

Summary: This publication was prepared to enable the City of Aransas Pass, Texas to document the General Orders, Policies and Procedures to be applied in uniform manner, to the benefit of the police personnel, and to assure equal employment opportunities in its action.

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

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ARANSAS PASS POLICE DEPARTMENT

GENERAL ORDER

Date of Issue: October 1, 2004

AUTHORITY

General Orders, Policies and Procedures established in this manual are applicable to all Police Department personnel of the City of Aransas Pass.

The City Manager is responsible for the formulation of General Orders, Policies and Procedures, together with the Chief of Police, who is responsible for implementing and administering the General orders, Policies and Procedures.

The Chief of Police is hereby empowered to designate his Assistant to act in his behalf in the administration of these policies.

The General Orders contained in this manual conform in the main to those followed by a majority of local law enforcement agencies in this area, and in particular the City overall Personnel Policy. However, if a conflict should exist, the City Personnel Policy will prevail.

Authority is vested in the Chief of Police in the exercise of general control and supervision over efficiency, welfare and morale in his department and positions created and approved by the City Council, and with regard to all matters and subjects covered by these regulations.

Supplemental and/or revised General Orders and policies and Procedures shall be approved in accordance with the foregoing Authority, upon annual review and as appropriate. Such supplements and/or revisions shall then become a part of this General Orders Manual.

PURPOSE

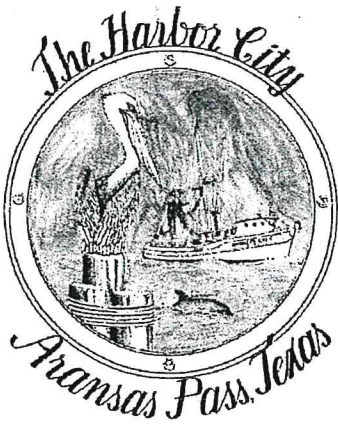
The General Orders Manual is the primary instrument for administering Personnel Policies and Procedures for the guidance of the Aransas Pass Police Department staff.

The broader aims include the establishment, coordination and equitable application of approved personnel rules, to allow the Police Department to be able to recruit qualified, professional, administrative, clerical, technical and public safety personnel.

The specific aim is to provide a basic manual of procedures and necessary technical information for the administration of the personnel program of the Police Department.

SELECTION/TENURE

The Chief of Police shall be responsible for the selection and tenure of all employees of the City of Aransas Pass Police Department with approval of the City Manager. Vacancies shall be filled



POLICE DEPARTMENT

CITY OF ARANSAS PASS, TEXAS


Darrell Jones, Chief of Police

Aransas Pass Police Department Mission Statement

The officers of the Aransas Pass Police Department are committed to providing the highest quality of police services to the people who live, work and visit our City. We will constantly evaluate and improve our efforts to enhance public safety with the goal of improving the quality of life within the City of Aransas Pass, while at the same time maintaining respect for individual rights and human dignity.

The Mission of the Aransas Pass Police Department is to safeguard life and property, preserve the peace, prevent and detect crime, enforce the law, and protect the rights of all citizens. We are committed to working in partnership with the community to identify and resolve the problems that impact public safety.

- ***Pride***
We are committed to conducting ourselves in a manner that brings honor to ourselves, the department, and the county
- ***Respect***
We are committed to respecting the individual rights, human dignity and the value of all members of the community and the department.
- ***Integrity***
We are committed to nurturing the public trust by holding ourselves accountable to the highest standards of professional conduct and ethics.
- ***Dedication***
We are committed to providing the highest quality of law enforcement service to the community with the goal of enhancing the quality of life within Aransas Pass.
- ***Excellence***
We are committed to achieving a level of performance that exceeds all expectations.


Darrell Jones
Chief of Police

ARANSAS PASS POLICE DEPARTMENT

GENERAL ORDERS

Policy Number: 1.01

Date of Issue: October 1, 2004

SUBJECT: GOALS AND OBJECTIVES

INTRODUCTION:

The rules, regulations and procedures contained in the Department manuals are published for the information and guidance of all members of the Aransas Pass Police Department. It is the duty of all members of the Aransas Pass Police Department to read and be familiar with these policies.

Every member must understand that these rules and regulations are not intended to cover every case, which may arise in the discharge of police duties. Each individual must exercise discretion.

As members of the Aransas Pass Police Department, you have assumed responsibilities of great importance. You must enforce the laws of the United States, the State of Texas and the ordinances of the City of Aransas Pass as well as preserve public peace. You have chosen a most honorable calling.

Your acts will be subject to the observation and possible criticism of the public. The welfare of the community, your reputation as well as that of the Department and your success as a public safety employee will depend on your personal philosophy, the manner in which you approach your assignment, and the course of personal conduct you elect to pursue, both on and off duty.

Command and supervisory personnel must exhibit outstanding leadership qualities. Command is synonymous with initiative and self-reliance. Excuses to evade responsibility will not be accepted. To say that orders have been given to subordinates will not relieve the superior from responsibility. If the subordinate fails to perform their duties properly, the causes must be ascertained and remedial action taken.

The general policies and philosophies of this Department are embodied in the following policy statements, which are provided for your guidance and direction, and which serve as the foundation upon which the Policy and Procedures manual is based.

POLICY STATEMENT:

OUR CITIZENS SAFETY, SECURITY AND WELL-BEING ARE OUR HIGHEST PRIORITY.

We seek to accomplish our goal by:

1. Protecting our citizens against the criminal actions of others and enhance their sense of security, safety and well-being.

ARANSAS PASS POLICE DEPARTMENT

GENERAL ORDERS

Policy Number: **1.01**

Date of Issue: October 1, 2004

The Department is obligated to attract the most qualified men and women available for appointment to the police service. The future leadership of the Department and continued advancement of the law enforcement profession will depend on those selected and appointed.

We cannot limit our standards to what has been acceptable in the past. We must constantly strive to increase the quality of our personnel through training, education and professional development. Each individual must strive to improve his or her knowledge, skills and abilities. As it is the City's duty to provide training to all personnel, it is also the individual's responsibility to develop themselves to their fullest capability. The citizens of our community desire and deserve the best qualified personnel we can recruit. We will set our standards high and continue to increase those standards throughout our development.

Training is a responsibility and function of command. Each supervisor and commanding officer is obligated to provide training to his subordinates.

All members of the Department are encouraged to advance their formal education for the purpose of increasing their ability and potential within the law enforcement profession. The Department shall, whenever possible, schedule work hours to aid employees in their pursuit of higher education. However, the operational needs of the department shall be the deciding factor in scheduling.

LOYALTY

Every member of the Department has an obligation to be loyal to his superiors so long as those persons are performing lawfully and ethically and in accordance with Department policy. Loyalty must be reciprocal in nature. Supervisory and command personnel must be concerned for the welfare of their subordinates and fully support them in their proper actions.

Although there must be abiding mutual loyalty among police officers, dedication and loyalty to the welfare of the organization should exceed individual loyalties. An overprotective attitude toward a fellow employee who violates the law or departmental regulations or policies is damaging to all professional law enforcement officers and the citizens they serve.

DISCIPLINE

Discipline is a state of training and a mental attitude, which fosters proper conduct through voluntary compliance with policies and regulations. It is that which prompts individuals and groups to willingly conform to desirable patterns of conduct. Proper discipline stimulates harmony and efficiency, facilitates coordination of efforts, promotes high morale and encourages public acceptance and support. Discipline is not synonymous with punishment, for a well-disciplined individual or group is often the one least in need of punitive action.

ARANSAS PASS POLICE DEPARTMENT

GENERAL ORDERS

Policy Number: **1.01**

Date of Issue: October 1, 2004

analysis permits the development of effective police action. Each officer who receives a report of a criminal act or traffic incident is responsible to make a report or take the appropriate action concerning the incident or offense.

Statistics reflect only those incidents reported to or discovered by the police and therefore do not indicate all incidents that occur. The public should be encouraged to report all crime and traffic problems. This may increase the rates, but the data enables the Department to be more effective in solving crime and traffic problems.

ENFORCING THE LAW

The primary purpose of law enforcement is to protect life. Law enforcement must be directed toward those who, by engaging in criminal activity, interfere with the legal rights and personal safety of others. To arrest and detain such a person is not to deny him of his rights, since no person has the right to violate the law.

Each officer is responsible to report or take appropriate action concerning suspected violations. The officer will be guided by official policy and procedures, which will aid him in performing his duties.

Officers must exercise discretion in enforcing the law because of limited resources, the ambiguity of some laws, and because there are often more effective methods other than arrest. When the offense is minor, the police objective can sometimes be best accomplished by a courteous warning. Regardless of the nature of enforcement action taken, scolding, threats, unnecessary humiliation, inconvenience, duress and distress must be avoided.

The laws and ordinances exist for the benefit of all citizens without regard to race, creed or social status. It is our obligation to take whatever action necessary to enforce these laws and ordinances with equality, compassion and impartiality.

CRIME AND CRIME PREVENTION

Crime is a concern to the entire community. We are responsible to the citizens of Aransas Pass with preventing and suppressing crime and to solve crime once it occurs. We shall do these things to the best of our ability. At the same time, we are realistically aware that we cannot prevent all crime from occurring or solve all the crimes. We require and must strive to obtain the active cooperation, assistance and support of the community.

Two elements are necessary for a crime to occur: The desire of the offender to commit the crime and the opportunity for him to do so. Police efforts are primarily directed toward eliminating

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: **1.02**

Date of Issue: October 1, 2004

SUBJECT: LAW ENFORCEMENT CODE OF ETHICS

PURPOSE:

It is the purpose of this policy to establish a code of ethics by which each member of this department will conduct himself daily. Ethics in any profession is necessary, but is even more important in law enforcement. Law enforcement personnel are continuously monitored by the citizens, the press, courts and each other. We must be above reproach.

POLICY:

All members of the Aransas Pass Police Department will conduct themselves in a manner, which will be considered above reproach. Though written for "peace officers", the Law Enforcement Code of Ethics is applicable to all personnel and will be followed by all employees of the Aransas Pass Police Department.

LAW ENFORCEMENT CODE OF ETHICS:

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence and never accepting bribes.

I recognize my badge as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession, law enforcement.

END OF SECTION

ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **1.03**

Date of Issue: October 1, 2004

SUBJECT: ORGANIZATION

PURPOSE:

This General Order defines the chain of command and divisional structure of the department. This will allow all personnel to know whom their immediate supervisor is and where to go beyond him.

POLICY:

The Aransas Pass Police Department will consist of four divisions, Administration, Criminal Investigations, Operations and Support Services. The Criminal Investigations and Operations division commanders will report directly to the Chief of Police and are not accountable to other department supervisors except in the absence of the Chief of Police. In the absence of the Chief of Police, the chain of command will be as follows: Assistant Chief of Police, Captains, Lieutenants, Sergeants and then officers in order of seniority. The Aransas Pass Police Department supervisors shall operate under an "open door" policy at all times.

PROCEDURES:

I. Administration

- A. Administration is the consolidation of all departments for the management of the department as a whole and is headed by the Chief of Police.
- B. Administration will directly oversee personnel, budget, policies and training.
- C. Administration will consist of:
 - (1) Chief of Police
 - (2) Assistant Chief of Police
 - (3) Station Commander
 - (4) Police Chaplain

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: 1.03

Date of Issue: October 1, 2004

IV. Support Services

- A. The Support Services Unit is commanded by the Chief of Police, but will fall under the authority of the Division Commanders.
- B. The Support Services unit consists of two departments:
 - (1) Records Department – Administrative Assistant (civilian)
 - (a) Records Clerks (civilian)
 - (2) Communications Department – Administrative Assistant (civilian)
 - (a) Communications Supervisor (civilian)
 - (b) Dispatchers (civilian)

OPEN DOOR POLICY

All supervisors will maintain an open door policy for all employees. Officers and communications employees will follow the chain of command for their department as it relates to immediate operational needs. However, employees are encouraged to discuss ideas and views with all levels of supervision including the Chief of Police.

In all cases where an employee wishes to confer with their department Commander or Chief of Police, they shall have the right to do so.

END OF SECTION

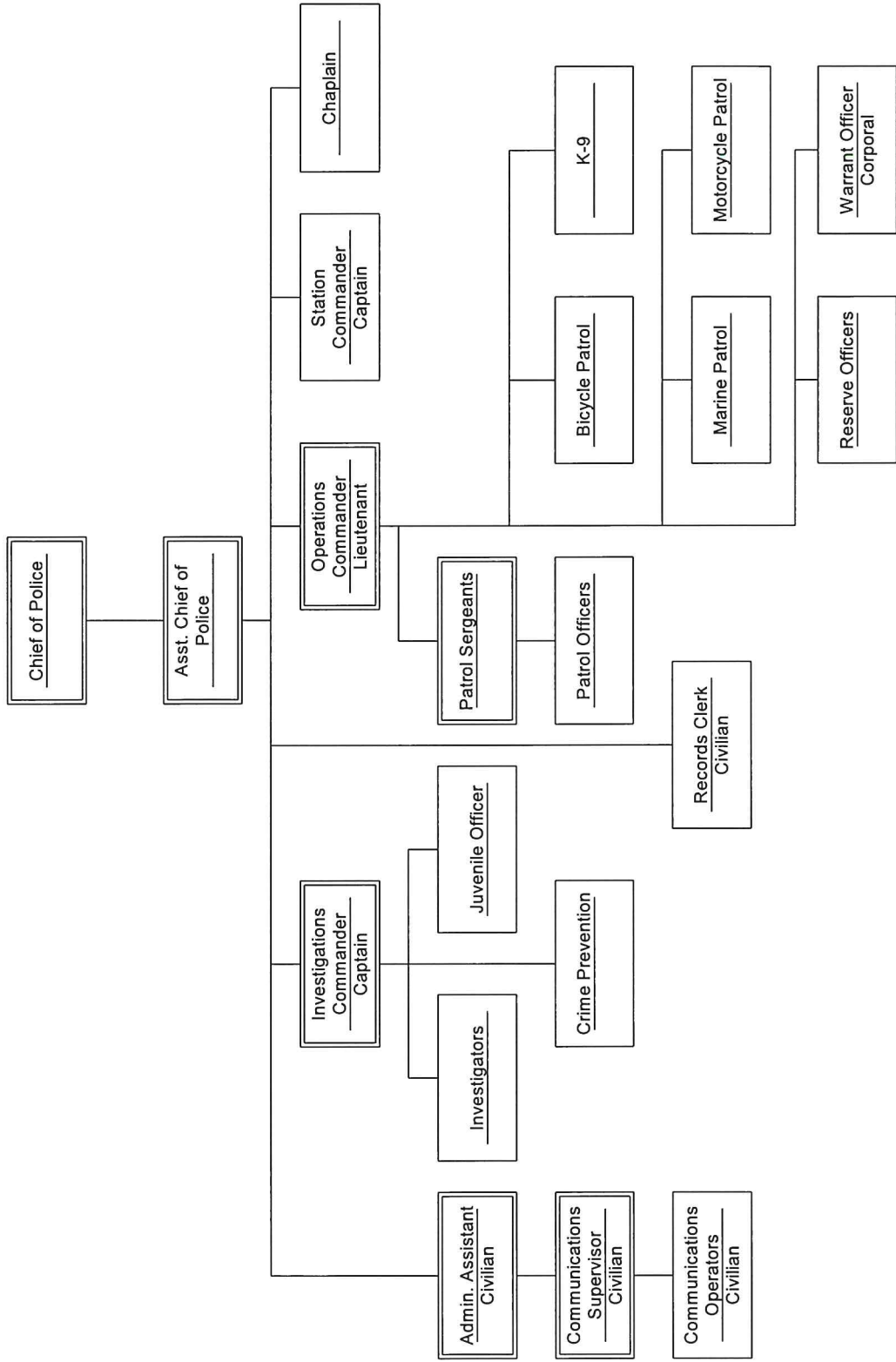
ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **1.03**

Date of Issue: October 1, 2004

SUBJECT: **ORGANIZATION**

Note: Chart position does not indicate rank or level of authority.



ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **1.04**

Date of Issue: October 1, 2004

SUBJECT: SEXUAL HARASSMENT

POLICY

The Department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct either verbal or physical. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions.

PURPOSE

To establish Department policy concerning allegations of sexual harassment or prohibited discrimination, describe reporting procedures, and provide definitions.

DEFINITIONS

- A. Per Title VII of the Civil Rights Act of 1964, sexual harassment is defined as the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for or rebuked by the other employee. The behavior can be verbal or physical. (Federal and State law also prohibit discrimination and harassment based upon race, national origin or age.) Harassment may occur between co-workers or between a superior employee and a subordinate one. Examples of sexual harassment include, but are not limited to, the following:
1. Sexual comments of a provocative or suggestive nature;
 2. Jokes or innuendos intended for and directed to another employee;
 3. Leaving sexually explicit books, magazines, photographs where other employees will find them;
 4. Unwelcome demeaning comments, ridicule, offensive language, propositions or other similar actions;
 5. Unwanted, unwarranted, unsolicited off-duty telephone calls and contact;
 6. Signed or anonymous unwelcome notes, drawings, or objects placed on or in desks, or bulletin boards, in lockers;
 7. Deliberately singling out females in front of male co-workers (or vice versa) and subjecting them to demeaning or derogatory remarks;

ARANSAS PASS POLICE DEPARTMENT
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Policy Number: 1.05

Date of Issue: October 1, 2004

SUBJECT: NOTIFICATION OF CHIEF OF POLICE

PURPOSE:

To establish guidelines as to when the Chief of Police and the Division Commanders need to be notified of specific incidents.

POLICY:

Due to the sensitive nature of certain kinds of incidents, the Chief of Police and the Division Commanders require rapid access to information. This order describes the incidents requiring that information and the procedure for providing it.

DEFINITIONS:

(none)

PROCEDURE:

- I. The Chief of Police and the appropriate Division Commander will be verbally notified immediately and a memorandum will be sent to the Chief of Police if any of the following incidents occur:
 - A. Incapacitating injury or death of an employee.
 - B. Injury or death of a person in police custody.
 - C. Discharge of a firearm by an employee, whether on-duty or off-duty, whether accidental or not (does not include recreational shooting, training or military duty).
 - D. All fleet traffic accidents
 - E. Lost or damaged Departmental equipment or credentials
 - F. Bribe or attempted bribe
 - G. Homicides
 - H. Suicides
 - I. Traffic Fatalities

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: **1.09**

Date of Issue: October 1, 2004

SUBJECT: TESTIMONY & COURT PROCEEDINGS

POLICY

It is the policy of the Aransas Pass Police Department that all officers will fulfill their legal and ethical responsibilities and cooperate with officials in the judicial system.

PURPOSE

To provide officers with their legal and ethical responsibilities along with cooperating with officials in the judicial system.

PROCEDURE

Aransas Pass Police Department officers will cooperate with prosecutors in all criminal cases pending in City court; in any County or District Court; or in Federal Court. ***This cooperation will include appearing for all scheduled appointments and appearing for court testimony without subpoena at the request of the prosecutor.*** Aransas Pass Police Officers will appear for testimony and court only upon service of a valid subpoena in the following circumstances:

A. Criminal Cases

1. If requested to testify by the defendant in any criminal case;
2. If requested to testify by any party in any criminal case pending in a court other than City court, a County, District, or Federal Court.

B. Civil Cases

1. Any civil case in which one or more of the parties is another unit of government or another government official or employee;
2. Any case in which the City of Aransas Pass or one of its officials or employees is a party and the officer is requested to testify for a party other than the City or its official or employee;

**ARANSAS PASS POLICE DEPARTMENT
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Policy Number: **1.10**

Date of Issue: October 1, 2004

SUBJECT: EMPLOYEE EVALUATIONS

POLICY

In order to provide quality police service to the City of Aransas Pass, the Department seeks to hire and maintain the best-qualified police officers and employees. To that end, the Department regularly and formally evaluates the performance of officers and other employees. The evaluation system discussed herein serves the interests of management, the Department's employees and the citizens served by this Department. The purposes of the evaluation system are to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of employees; and (5) identify training needs.

PURPOSE

To outline and describe the Departmental evaluation process.

PROCEDURES

A. General

1. All police officers shall be evaluated using the form located in the appendix to this order.
2. Evaluations reflect observations and perceptions by rating personnel, and are, therefore, inherently subjective. Nevertheless, personnel shall be rated according to unacceptable, acceptable or superior behavior. Specific guidelines for rating behavior are found in the appendix to this order.
3. At the discretion of the Chief of Police, each officer shall be evaluated either every six months or annually. To constitute a satisfactory score, an officer must receive an overall 3.0 (or satisfactory). Officers who fail to receive an overall 3.0 may be placed on probation for a period determined by the Chief of Police. Upon the assignment of an overall score less than 3.0, a deficiency memo will be prepared by the Chief of Police which documents whether the officer will be placed on remedial probation along with valid, objective and non-discriminatory reasons for that decision. Within the probation period, an officer shall receive remedial training in deficient areas or demonstrate proficiency (or satisfactory improvement) in deficient areas. During a probationary period for remedial training, an officer may receive evaluations weekly or bi-weekly, at the chief's discretion.

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C. Evaluation of Civilian Employees

1. Civilian employees shall be evaluated on forms used by the City for the purpose.

D. Police officers who serve in a supervisory capacity shall be evaluated using the same form as that for officers. Under "comments" the Chief of Police shall refer to an attached page containing, in a narrative, comments concerning the supervisor's supervisory performance. The chief shall address, at a minimum, the following points:

1. Ability to instill in officers a high regard and respect for the rule of law, civil rights, and concern for victims;
2. Ability to perceive performance weakness in his officers, conduct remedial training, and document improved proficiency;
3. Command of patrol techniques, methods, and investigative procedures;
4. Ability to reprimand, counsel, praise, or otherwise discipline his officers; and,
5. Ability to take responsibility for the performance of his officers.

END OF SECTION

**ARANSAS PASS POLICE DEPARTMENT
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(13)	Radio (listens and comprehends transmissions)	1	2	3	4	5	N.A.
(14)	Radio (articulation of transmissions)	1	2	3	4	5	N.A.
(15)	Orientation skill (non-stress conditions)	1	2	3	4	5	N.A.
(16)	Report writing (grammar/spelling/neatness)	1	2	3	4	5	N.A.
(17)	Report writing (appropriate time used)	1	2	3	4	5	N.A.
(18)	Self-initiated activity	1	2	3	4	5	N.A.
(19)	Problem-solving/decision-making	1	2	3	4	5	N.A.

KNOWLEDGE:

(20)	Knowledge and Observance of Department rules and orders	1	2	3	4	5	N.A.
(21)	Knowledge of criminal law	1	2	3	4	5	N.A.
(22)	Knowledge of traffic law	1	2	3	4	5	N.A.

ATTITUDE/RELATIONS:

(23)	Acceptance of feedback	1	2	3	4	5	N.A.
(24)	Relationship with citizens	1	2	3	4	5	N.A.
(25)	Relationship with co-workers/supervisor	1	2	3	4	5	N.A.
(26)	General demeanor	1	2	3	4	5	N.A.

APPEARANCE:

(27)	General appearance	1	2	3	4	5	N.A.
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Overall Average Score

**ARANSAS PASS POLICE DEPARTMENT
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WHAT ACTIONS HAVE BEEN TAKEN SINCE THE LAST EVALUATION TO IMPROVE PERFORMANCE:

EMPLOYEE REMARKS:

☐ My signature indicates that I have read this evaluation and agree with the ratings.

☐ My signature indicates that I have read this evaluation and do not agree with the ratings. I wish to review this evaluation with the next higher level of supervision.

Re-Evaluation Date: _____

Rating Authority _____ **Date** _____
(Print name and sign)

Employee's Signature _____ **Date** _____

Chief of Police Signature _____ **Date** _____

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3. Acceptable: Able to assess situation and take proper action.
5. Superior: Requires no assistance and always takes proper action. Excellent field judgment.

(6) OFFICER SAFETY: GENERAL

1. Unacceptable: Frequently fails to exercise basic officer safety precautions, i.e.:
 - a. Exposes weapons (baton, handgun, etc) to suspect.
 - b. Fails to keep gun hand free during enforcement situations.
 - c. Stands directly in front of violator's car door.
 - d. Fails to control suspect's movements.
 - e. Does not maintain sight of violator while writing citation.
 - f. Fails to use illumination when necessary.
 - g. Fails to advise radio when leaving vehicle.
 - h. Fails to maintain good physical condition.
 - i. Fails to use and/or maintain personal safety equipment properly.
 - j. Does not foresee potentially dangerous situations.
 - k. Points weapon at other persons.
 - l. Stands too close to vehicular traffic.
 - m. Stands in front of door when knocking.
 - n. Fails to have weapon ready when appropriate.
 - o. Fails to cover other officers.
 - p. Fails to search police vehicle before duty or after transporting prisoners.
 - q. Fails to check equipment.
 - r. Fails to properly search and/or handcuff prisoners.
3. Acceptable: Understand principles of officer safety and generally applies them.
5. Superior: Always maintains position of safety and advantage. Does not become unduly anxious or apprehensive, over-cautious or overconfident.

(7) OFFICER SAFETY: WITH SUSPICIOUS PERSONS AND PRISONERS

1. Unacceptable: Frequently violates officer safety standards. Fails to "pat search" or confronts suspicious persons while seated in patrol vehicle. Fails to handcuff prisoners. Fails to thoroughly search prisoners and/or vehicles. Fails to maintain position of advantage with prisoners.
3. Acceptable: Generally displays awareness of potential danger from suspicious persons and prisoners. Maintains position of advantage.
5. Superior: Always maintains position of advantage and is alert to changing conditions.

(8) CONTROL OF CONFLICT: VOICE COMMAND

1. Unacceptable: Improper voice inflection, i.e., too soft, too loud, indecisive, confused commands, etc. Few problems resolved as result of officer's oral direction.
3. Acceptable: Speaks with authority in a calm, clear voice.
5. Superior: Always appears to be in complete command through voice tone and bearing.

(9) CONTROL OF CONFLICT: PHYSICAL SKILL

1. Unacceptable: Cowardly, physically unable to handle most situations, or uses too much or too little force for given situations.

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(14) RADIO: ARTICULATION OF TRANSMISSIONS

1. Unacceptable: Does not plan before transmitting message. Under or over modulation, resulting in dispatcher or other units constantly asking for a repeat.
3. Acceptable: Uses proper procedure with short, clear, concise transmissions.
5. Superior: Always uses proper procedure with clear, calm voice, even under stress conditions.

(15) ORIENTATION SKILL: NON-STRESS CONDITIONS

1. Unacceptable: Unaware of his/her location while on patrol. Unable to relate location to destination. Not familiar with beat structure.
3. Acceptable: Reasonable knowledge of his/her location in most situations. Can quickly use street index to find streets and then use map to get location.
5. Superior: Remembers street locations. Able to get to destination without referring to street index or town map.

(16) REPORT WRITING: GRAMMAR/SPELLING/NEATNESS

1. Unacceptable: Illegible, misspelled words, incomplete sentence structure.
3. Acceptable: Grammar, spelling, and neatness are satisfactory in that errors are rare and do not impair understanding.
5. Superior: Very neat and legible. No spelling mistakes and excellent grammar.

(17) REPORT WRITING: APPROPRIATE TIME USED

1. Unacceptable: Requires 2-3 hours to correctly complete a basic simple report.
3. Acceptable: Correctly completes simple basic reports in thirty minutes.
5. Superior: Correctly completes simple basic reports in no more time than that of a skilled veteran officer. (Depending on the type of report, the time will vary.)

(18) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not see or avoids activity. Does not follow up on situations, rationalizes suspicious circumstances. Gets involved inappropriately too often. Ignores Departmentally defined problems.
3. Acceptable: Recognizes and identifies suspected criminal activity. Makes cases from routine activity.
5. Superior: Catalogs, maintains, and uses information given at briefings and from bulletins or crime reports for reasonable cause to stop persons or vehicles. Makes quality arrests. Shows balance in type and extent of self-initiated activity.

(19) PROBLEM SOLVING/DECISION-MAKING ABILITY

1. Unacceptable: Acts without thought or is indecisive. Relies on others to make decisions. Numerous examples of bad decisions, or indecision, can be shown.
3. Acceptable: Able to reason out problems and relate them to what he/she was taught. Has good perception and ability to make own decisions.

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(25) RELATIONSHIPS WITH SUPERVISORS, CO-WORKERS

1. Unacceptable: Constantly argues with other officers or other superior officers. Belittles other officers or supervisors in front of other people. Fails to adhere to chain of command. Insubordinate.
3. Acceptable: Able to establish a good relationship with other officers and supervisors. Understands and adheres to chain of command. Respects other officers.
5. Superior: Establishes excellent relationships with other officers and supervisors. Possesses thorough understanding of chain of command, and adheres to it. Utmost respect shown to superior officers and peers as well.

(26) GENERAL Demeanor

1. Unacceptable: Officer cannot be depended upon to produce routine work without close supervision. Does not adapt readily to new situations, work hours, changing assignments. Tardy, complains about assignments, days off, duties.
3. Acceptable: Officer generally displays initiative, interest in the job, willingness to take on new challenges or schedule changes. Dependable.
5. Superior: Attentive beyond requirements of job. Constantly analyzes own work performance and devises and tries new approaches to problems. Consistently outstanding overall performance. High interest in welfare and image of Department. Exemplary.

(27) GENERAL APPEARANCE

1. Unacceptable: Overweight, dirty shoes, uniforms, and leather. Long messy hair. Offensive body odor.
3. Acceptable: Neat, clean, and well-pressed uniform. Cleaned and shined shoes and leather. Well groomed hair.
5. Superior: Tailored uniforms, spit-shined shoes and leather. Command bearing.

ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **1.60**

Date of Issue: October 1, 2004

SUBJECT: PROPERTY & EVIDENCE

POLICY

It is the policy of the Department that all evidence and property recovered or turned into this agency be properly packaged, handled, recorded, stored, and accounted for. All personnel shall maintain strict accountability for all property held as property and evidence. All evidence and property will be handled and accounted for in the same manner, regardless of the class of offense. In no way shall these policies and procedures be interpreted to supersede any federal or state statute. These policies and procedures are intended to comply with existing law.

PURPOSE

To establish a lawful system for the safe and efficient storage and retrieval of evidence or other valuable items that enter the custody of this Department.

PROCEDURES

I. Officer Responsibilities

- A. The recovering officer shall be responsible to properly package and label all items collected or recovered as property or evidence to prevent any tampering, contaminating, or destruction of same.
- B. Upon return to the Police Department, the recovering officer shall immediately list and describe all items recovered on the property and evidence form.
- C. All property and evidence and all related property and evidence forms (except those articles which may be sent to the lab) must be delivered immediately to the property locker. Officers and employees of this Department shall not under any circumstances keep in their personal possession any property or evidence of any kind that is found, turned in or confiscated.
- D. Reporting officers shall, when possible, check all property against National Crime Information Center (NCIC) or Texas Crime Information Center (TCIC) records as well as with other appropriate databases.
- E. For property that may be lawfully released to the owner, the recovering officer immediately shall attempt to notify the owner (by telephone or letter) that the Department is holding their property and make arrangements to return the property to the rightful owner.

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Date of Issue: October 1, 2004

officer shall ascertain from the prosecutor when contraband may be destroyed and, upon approval, arrange for destruction or other disposal as soon as possible.

- D. Extended release of property for use in official police business shall be permitted only upon written authorization of the Chief of Police, or his designee. This authorization shall specify the person and the property and shall fix a date on or before which the property must be returned. Copies of such authorization shall be maintained in the records section and in the Chief's office.
- E. The property and evidence form shall be amended every time property or evidence is disposed of or returned to the owner.

IV. Evidence Custodian (EC) Responsibilities

- A. Shall be accountable for control of all property and evidence stored in the property and evidence storage room, and shall ensure that all stored property is properly documented.
- B. Shall maintain a locker room that is clean, orderly, secure and shall take necessary steps to insure that property and evidence in custody is being protected from damage or deterioration or theft.
- C. Access to the property room or locker shall be restricted only to the designated evidence custodian and the Chief of Police, or his designee. Access by all other persons is normally prohibited. The date, time and identity of all persons accessing the property storage area shall be documented. Said documentation shall be maintained by the EC.
- D. All property and evidence shall be stored in a designated area.
- E. A separate protected area shall be maintained for the storage of money, jewelry, weapons, precious metals, and narcotics.
- F. Shall maintain a facility for the storage of items of perishable nature needing refrigeration.
- G. Shall be responsible for the maintenance of records on recovered property indicating continuity of property and evidence from entry into the system to its final disposition.
- H. Shall release property and evidence only to authorized persons and may demand proof of authorization or identification of the owner or investigating officer to whom they are releasing property.

**ARANSAS PASS POLICE DEPARTMENT
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Policy Number: **1.60**

Date of Issue: October 1, 2004

VII. Alcohol

- A. All property and evidence consisting of alcoholic beverages and their containers must be sealed so that there is no chance of leakage while in police custody.

VIII. Periodic Inventory

- A. The Chief of Police, or his designee, shall conduct an unannounced inventory of all property and evidence in the custody of the Aransas Pass Police Department. This inventory will be conducted at irregular intervals; but will, at a minimum occur at least once every calendar year. The inventory will be conducted in the presence of at least one other observer which shall be either (1) an official from City Administration or; (2) an officer from the County Sheriff's Office, Department of Public Safety or the County Attorney's Office.
- B. The inventory will compare all records of property/evidence along with the actual physical items in the custody of the Aransas Pass Police Department. Any discrepancies shall be turned over to the Texas Department of Public Safety for investigation.

END OF SECTION

ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **2.01**

Date of Issue: October 1, 2004

SUBJECT: CODE OF CONDUCT

I. POLICY

The Code of Conduct of the Aransas Pass Police Department is promulgated pursuant to the Ordinances of the City of Aransas Pass and by authority of the laws and statutes of the State of Texas.

The Aransas Pass Police Department expects its personnel to maintain high standards of appearance and conduct. The public similarly expects such high standards. Police officers wield considerable power over the citizenry, power that is carefully circumscribed by state and federal law and, ultimately, by the Constitution and the Bill of Rights. Our powers to arrest, seize property and interfere, at times, with the lives of citizens constitutes a public trust. A police officer can help to ensure that this trust is regarded as vital by performing his duties in an exemplary manner. Performance however, is not enough, we must always conduct ourselves in an exemplary fashion.

II. PURPOSE

The Code of Conduct of the Aransas Pass Police Department is designed to promote efficiency, discipline and good public relations by setting forth guidelines governing the conduct of every member of the Police Department, both sworn and non-sworn, on or off duty. The terms "sworn member" and officer refer to any person commissioned as a police officer under Article 2.12 of the Texas Code of Criminal Procedure. The terms "member" and "employee" refer to any employee, full or part time, paid or non-paid, of the City, assigned to the Police Department whether sworn or non sworn (civilian). The use of the terms "he" and "his" to refer generically to any member of the Department regardless of gender.

The Police Department's Code of Conduct and General Orders are founded on well recognized standards of behavior and ethics. Police officers are held to higher standards than others employed in public service because they alone have the power to limit individual freedom. The Law Enforcement Code of Ethics and the Canons of Police Ethics are included as addenda to this Code of Conduct to provide Departmental personnel with a philosophical basis for the rules and regulations of the Aransas Pass Police Department.

III. ENFORCEMENT OF CODE OF CONDUCT AND GENERAL ORDERS

- A. The provisions of the Code of Conduct, City personnel policies and Departmental regulations, shall be observed by all members of the Aransas Pass Police Department in order to maintain the confidence, respect and support of the public.

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Date of Issue: October 1, 2004

- H. It shall be the duty of all supervisors, and officers to take corrective action and/or submit a written report to their chain of command whenever they learn through personal observation or report of any violation of the Code of Conduct, the City Personnel Rules, Departmental rules and regulations, the Charter of the City, the ordinances of the City, and/or the laws of the State of Texas or the United States by any member of the Department.
1. Should the violation involve an incident of a serious nature, the supervisor detecting the violation shall relieve the offender from duty and take custody of any credentials, firearms and other equipment issued by the Department. Should the observing supervisor be of lesser rank than the offender, he shall notify a supervisor of superior rank to that of the offender. The offender will be instructed to report to the office of the Chief of Police or other appropriate supervising authority at 9:00 a.m. the following business day.
 2. A written report of the incident shall be submitted by the reporting supervisor who shall also be present at the office of the Chief of Police or other appropriate supervising authority at the time the offender reports.
- I. When a violation involves neither gross misconduct nor moral turpitude but could cause discredit to the Department or any member thereof, a report shall be made in writing outlining the known facts of the case and an investigation initiated to determine the nature and degree of the violation.
- J. Sworn members of the Police Department holding the position of probationary police officer may be terminated from employment by the Chief of Police when they fail to meet the minimum standards of employee performance or when they violate the Code of Conduct, City Personnel Rules, the ordinances of the City, and/or the laws of the State of Texas or the United States. The probationary period is six (6) months.
- K. No promotion of any member of the Department shall be deemed complete until a period of six (6) months shall have elapsed following said promotion. At any time during this six-month probationary period, the Chief of Police may rescind the promotion.
- L. Should any officer be discharged, suspended, or reprimanded because he has violated any rule of the Code of Conduct, the City Personnel Rules, Departmental regulations, the ordinances of the City, and/or the laws of the State of Texas or the United States, he shall receive a letter of discharge, suspension, or reprimand which shall set forth the rule violated and the details of said violation. Should the officer desire to appeal, the following procedures apply:

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1. Exceptions: An officer must be armed with a Departmentally approved weapon:
 - a. At any time when in a city vehicle;
 - b. At any time when in uniform; or
 - c. When performing police related off duty employment.
- I. No officer while off-duty, when dressed in civilian clothes, shall wear or carry a weapon in such a manner that it will attract attention or be in open view in public.
- J. No employee shall wear the uniform, be armed or carry his badge or identification card while under suspension.
- K. Employees shall not willfully damage any property or equipment belonging to the City, any citizen or other entity unless lawfully required to do so in the performance of their duty.
- L. Employees will not cause damage to any property or equipment belonging to the City, any citizen or other entity by improper handling or negligence.
- M. No officer shall alter, repair, or in any way change, add to, or remove any parts or accessories of any city-owned property without the permission of the Chief of Police. This includes buildings, office equipment, machines, clothing, firearms, communication equipment, and motor vehicles.

V. PROFESSIONAL CONDUCT AND PERSONAL BEARING

- A. Dereliction of duty on the part of any employee, detrimental to the proper performance of the functions of the Department, is cause for corrective action. Dereliction of duty includes, but is not limited to, the following:
 1. Failure of a supervisor or commander to immediately take action when a violation of rules or regulations comes to his attention, regardless of the supervisor's or violator's assignment or rank within the Department.
 2. Failure to observe and give effect to the policies of the Department.
 3. Failure to deliver to the official Departmental custodian or other appropriate authority any property found by, confiscated by or relinquished to officers of this Department without undue delay and, in any event, before the tour of duty is ended.

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- (1) Detentions or arrests for violations of a Class C Misdemeanor level or traffic enforcement when out of uniform and off duty, unless in an off duty employment capacity and with prior supervisory permission; and
 - (2) Enforcement responsibilities beyond the ability of the officer when he is not armed. (Appropriate action in such cases may include calling for assistance.)
- B. No employee shall be convicted of, nor commit any act or omission defined as a criminal act.
- C. No employee shall engage in any conduct which adversely affects the morale or efficiency of the Department or which has a tendency to adversely affect, lower or destroy the public respect and confidence in the Department or employee.
- D. No employee, when acting outside the course and scope of his duties, shall precipitate, cause or escalate a disturbance or police incident to his discredit.
- E. No employee shall fail or deliberately refuse to obey a lawful order given by a supervisory member of the Department.
- F. Employees shall treat supervisory members, subordinates and associates with respect. They shall be courteous and civil, at all times, in their relationships with one another.
- G. Employees shall not publicly criticize or ridicule the Department, its policies or other employees by talking, writing or expressing in a manner which:
 1. is defamatory;
 2. is obscene;
 3. is unlawful;
 4. tends to impair the operation of the Department by interfering with its efficiency, by interfering with the ability of supervisors to maintain discipline; or by a reckless disregard for the truth; or,
 5. Reflects negatively upon the Department in a manner which hinders the ability of the Department to render service to the public.

ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **2.01**

Date of Issue: October 1, 2004

- S. No employee shall solicit any funds for the purpose of buying a gift for any member of the Department. However, employees may solicit nominal amounts from members of their section or division for gifts for retiring fellow members or for special circumstances with the permission of the Chief of Police or his designee.
- T. No employee shall receive any money or gifts from any type of solicitation except when retiring from the Department or for special circumstances approved by the Chief of Police or his designee.
- U. Officers shall not buy anything from or sell anything to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention through their employment with the Department, nor can they act as an intermediary in the payment of a reward for the return of stolen property without prior authorization by the Chief of Police. This does not prohibit officers from dealing with legitimate places of business.
- V. No employee shall conduct himself in a manner which would discredit the police service.
- W. No employee shall engage in any form of gambling in any other police or City facility.
- X. No employee shall engage in "horseplay" or the playing of pranks while on duty or in police facilities.
- Y. Uniformed employees will render appropriate honors to the United States flag and national anthem during ceremonial functions by assuming the position of attention and placing the right hand over the heart (indoors) or saluting (outdoors). Employees in civilian clothing will render appropriate honors by assuming the position of attention and placing the right hand over the heart (both indoors and outdoors).
- Z. Employees shall be compensated by the City only as specifically authorized by the governing body of the City. Such compensation shall be limited to the following and no other compensation shall be expected or requested by any employee of the Department:
 - 1. Salary authorized by the City's governing body;
 - 2. Overtime authorized by the Governing body or appropriate supervisors only when supported by appropriate documentation;

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- EE. Failure or deliberate refusal of any officer to obey a lawful order given by a superior member shall be considered insubordination.
- FF. No employee shall be absent without leave. (Absence without leave shall mean either a failure to report for duty at the time and place of duty or the leaving of a place of duty or assignment without proper authorization.)
- GG. Unless otherwise directed, employees shall report to daily roll call at the time and place specified in proper dress and equipment. They shall give careful attention to orders and instructions.
- HH. The hours of all officers shall be regulated by the Chief of Police or his designee, who has the authority to call any employee back to duty, regardless of the hours assigned that employee.
- II. It shall be the responsibility of employees who cannot report for duty, due to illness, to notify the on duty supervisor at least two (2) hours prior to their reporting time. Employees must give a telephone number and address where they can be located during their normal tour of duty.
- JJ. Employees shall furnish the Department a telephone number and address at which they may be reached in the event of an emergency.
- KK. Employees shall report any change in address or telephone number within twenty-four (24) hours of such change in the manner prescribed by the Chief of Police.
- LL. When employees will not be available for more than twenty-four (24) hours at their listed address and telephone number for an emergency call, they shall notify their supervisor who shall record the time of departure, expected time of return, destination and, as far as practicable, information as to how and where they may be reached in the event of an emergency.
- MM. Employees shall not work any outside or extra duty employment on the same calendar day that they fail to report for duty due to illness or injury.
- NN. Employees are prohibited from following any other vocation that might conflict or interfere with their responsibility to the Department.
 - 1. Employees must receive permission from the Chief of Police to engage in off duty employment or business activities.
 - 2. Officers are prohibited from holding a deputation or commission from any other law enforcement agency.

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- SS. Employees shall not consume intoxicants, while off duty, to the extent that evidence of such consumption is apparent when reporting for duty or to the extent their job performance is impaired.
- TT. Employees shall not be intoxicated while on duty. They shall not at any time, on or off duty, be intoxicated in public view.
- UU. No employee, while in uniform, shall purchase, possess, be under the influence of or drink intoxicants, on or off duty.
- VV. Employees shall not bring or keep any intoxicating liquor on Departmental premises, except for the following purpose;
 - 1. Liquor brought on to Departmental premises in the furtherance of a police task shall be properly identified and stored according to policy.
- WW. Employees on duty or in uniform shall not enter taverns, theaters or other public places except to perform a police service. Police presence is considered a police service in many circumstances. Very brief personal errands that are not excessive and do not interfere with the provision of police service may be allowed.
- XX. No expenditure of money shall be made or liability incurred in the name of the City or the Department unless authorized by the Chief of Police or by appropriate City authority.
- YY. Employees are prohibited from using city equipment, whether the equipment is owned or leased, for any purpose other than Departmental or city business. This prohibition applies to both on and off duty conduct. Exceptions to this policy will require the prior approval of the Chief of Police or his designee. This rule does not preclude the limited use of equipment or supplies deemed in the best interest of the department as determined by the Chief of Police or his designee.

VI. PROTECTION OF PRISONERS: RIGHTS AND PROPERTY

- A. No employee shall arrest any person or search any premises or person except with a warrant of arrest, a search warrant or where such arrest or search is authorized without a warrant under the laws of the State of Texas, the United States or the Ordinances of the City.
- B. All employees shall respect and protect the legal rights of any person held in custody or with whom the employee comes into contact

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- f. Solicits campaign contributions for a candidate; or
 - g. Voluntarily appears, either on duty or in uniform, in any type of news related or advertising photographs with or for a candidate for public office.
 - 3. While out of uniform and off duty, an employee may engage in the political activities as listed in Subsection 2, with the following exceptions;
 - a. An employee may not solicit campaign contributions for a candidate other than from members of an employee organization of which he is a member.
 - b. An employee may not support, or solicit support for, any candidate in such a manner as to use his or her position with the Department in support of such efforts.
- B. An employee of the Department may not become a candidate for elected office except as allowed by applicable General Orders and as prescribed by the City personnel policies and procedures.
- C. No employee shall seek the influence or intervention of any person outside the Department for the purposes of personal preferment, advantage, transfer or advancement. Should any employee learn of any such intervention on his behalf, he shall immediately notify the Chief of Police in writing, providing the name, position (if applicable) and any other information available of the person intervening or planning to intervene on the employee's behalf.
- D. No employee shall become a member of any organization, association, movement or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unconstitutional means.
- E. No officer shall participate in any type of disruptive protest demonstration nor shall any officer act as a spokesman, representative, or agent for any group engaged in or planning to engage in any type of disruptive protest demonstration.
- F. Except for official police duties, no officer of this Department shall associate with persons of immoral character, convicted felons, gamblers, or other persons who habitually commit violations of the law. This does not exclude an officer of this

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- G. Employees must be present and available to testify in any court or before any grand jury when officially notified to appear. In criminal cases and in all civil cases, employees shall respond to a legal subpoena (or equivalent) only.
- H. Employees who, for a valid reason, are unable to answer to an official summons must be excused by the court or grand jury prior to the time they are scheduled to appear. The reason for the excused absence shall be reported according to procedures set forth in the General Orders.
- I. Any employee who is subpoenaed or volunteers to testify for the defense in any criminal case or in any capacity in any civil trial or hearing against the City, the Department, or any City employee or official, shall notify the Chief of Police in writing upon receipt of the subpoena or of his intention to testify prior to his appearance as a witness.
- J. No employee shall accept a fee as a witness in any criminal or civil case if the matter relates to the exercise of the employee's official duties.
- K. Employees shall not engage in any of the following conduct:
 - 1. Interfering with the service of lawful process;
 - 2. Interfering with the attendance or testimony of witnesses through coercion, bribery or other means;
 - 3. Attempting to have any Notice to Appear or traffic citation reduced, voided or stricken from the calendar without the approval of the Chief of Police or his designee;
 - 4. Recommending a dismissal, reduction of charges or other disposition of a pending criminal case which has been previously filed in any criminal court or before any grand jury, except by written approval of the Chief of Police or his designee;
 - 5. Taking any other action which interferes with the efficiency or integrity of the administration of criminal justice or Departmental discipline; or
 - 6. Having knowledge of such interference and failing to inform a superior officer immediately in writing.
- L. No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action

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impartiality of the Police Department toward any group in the performance of the Department's public responsibilities.

- D. All employees will avoid situations which give rise to an actual or apparent conflict between their professional responsibilities and their relationships with other employees.
- E. Members of the Department will not enter into an on-going, lengthy or continual financially significant off-duty employer/employee or business relationship with members of their chain of command. If this arrangement is seen as necessary or should a transfer or promotion create an apparent violation of this rule, members will immediately notify the Chief of Police or his designee in written memorandum form.
 - 1. The memorandum should detail the nature and extent of such relationship. It then becomes the responsibility of the Chief of Police or his designee to take action appropriate to eliminate the conflict, keeping the best interests of both the Department and the involved employees in mind.
 - 2. The Chief of Police or his designee may determine that no significant conflict exists. If conflict does in fact exist, he may require:
 - a. Changes in assigned duties;
 - b. Changes in assignment;
 - c. Disqualification from a particular assignment; or
 - d. Divestment by the employee of his conflicting interest.
- F. Employees shall not, under any circumstances, solicit any gift, gratuity, loan or fee where there is any direct or indirect relation between the solicitation and their Departmental membership except as provided by law and approved by the Chief of Police.
- G. Employees shall not accept, either directly nor indirectly, any gift, gratuity, reward, loan, fee discount, rebate or special consideration arising from or offered because of police employment or any activity connected with such employment that might reasonably tend to influence the employee in the discharge of his official duties.
- H. Employees shall not accept a reward or any gift, favor, privilege or employment from any public utility corporation or licensee, the granting of whose license is

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2. Employees shall pay all just debts and legal liabilities incurred by them.

X. ETHICAL STANDARDS

Application: The ethical standards expressed herein constitute the standards of conduct by which all members of the City of Aransas Pass Police Department are to be governed.

As a member of the Aransas Pass Police Department it shall be my duty:

To advance the objective of the Department in preserving order and protecting the lives, rights, privileges and property of the people in our City and in the State of Texas to the best of my ability and in an entirely impartial manner.

To practice at all times the motto of this organization, "*Serving Our Community.*"

To keep myself clean and presentable and in good physical, mental and moral health.

To know and obey orders and instructions at all times.

To keep all City equipment entrusted to me fully accounted for and in proper condition.

To qualify as a voter and to vote my convictions as a citizen on all public questions and political campaigns, but to take no other part in any public politics or political campaigns except as authorized by law and policy.

To conduct my business in a straightforward manner, relying upon poise, competence and discretion rather than threats and argument to carry out my duties.

To take up matters affecting me and my position with my immediate superior and through proper channels.

To submit through proper channels constructive suggestions for the improvement of the Department and its service.

To conduct myself at all times, both on and off duty, in such a manner that I may merit the voluntary commendation of all law-abiding citizens and visitors with whom I come in contact, both those with whom I meet in carrying out my duties and those I shall live among as a citizen in order that credit may be reflected upon the Aransas Pass Police Department.

The International Association of Chiefs of Police (IACP) Canons of Ethics and Law Enforcement Code of Ethics apply to all officers and members of the Department who shall consider this Canon and Code binding as a part of this Code of Conduct.

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6. **Private Conduct.** The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officers and the police service. The community and the service require that the law enforcement officer *lead the life of a decent and honorable person*. Following the career of a policeman gives no man special prerequisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of the safeguarding the American public. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.
7. **Conduct Toward the Public.** The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can and require compliance with the law. He will do neither from personal preference nor prejudice, but rather as a duly appointed officer of the law discharging his sworn obligation.
8. **Conduct in Arresting and Dealing With Law Violators.** The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office **gives him no right** to prosecute the violator nor to mete out punishment for the offense. He shall, at all times, have clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in handling of law violators or in dealing with the law abiding.
9. **Gifts and Favors.** The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors or gratuities, large or small which can, in the public mind, be interpreted as capable on influencing his judgment in the discharge of his duties.
10. **Presentation of Evidence.** The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so

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XI. EFFECTIVE DATE

- A Any previous directive, rule, order or regulation that pertain to this subject matter and its amendments shall remain in full force and effect for any violations which occur prior to the effective date of this Order.

- B. If any section, sentence, clause or phrase of this Order is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

END OF SECTION

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Policy Number: 2.05

Date of Issue: October 1, 2004

SUBJECT: UNIFORM AND DRESS CODE

PURPOSE:

There is an important relationship between public confidence in the police and the successful accomplishment of a police mission. A professional appearance is the key ingredient in developing public confidence. It is the purpose of this policy to establish acceptable appearance standards.

POLICY:

Members of the Aransas Pass Police Department will at all times while representing this department present themselves in a conservative, professionally acceptable appearance in accordance with contemporary standards. Employees will maintain high standards of personal appearance and hygiene at all times while representing this department.

DEFINITIONS:

(None)

PROCEDURE:

I. Uniformed Employees

A. Uniformed Male Employees

1. Hair will be evenly trimmed and worn in a conservative style free of any hair accessories. The hair will not touch the top of the collar in back while the employee is standing. The hair will not extend over the top of the ears or exceed a depth of two inches.
2. Sideburns will not extend below the bottom of the ear. The maximum width at the bottom of the sideburns will not exceed one inch.
3. Beards are not permitted unless authorized by the Chief of Police.
4. Employees will be clean-shaven. Mustaches are permitted but must be neatly trimmed and will not extend below a line parallel to the upper lip line. It cannot extend more than ½ inch horizontally beyond the corner of the mouth.

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II. Uniforms

A. A black short sleeve or long sleeve shirt with:

1. Departmental patch at the top of both sleeves, ¼ to 1 inch below the shoulder seam.
2. Departmental badge on the left side above pocket.
3. Metal nametag on right side above pocket. The nametag shall be silver in color for patrol officers and goldtone for officers with the rank of corporal and above.
4. Departmental special unit insignia (i.e. K-9, motorcycle, bicycle, etc.) will be worn above the nametag on the right side. No more than two may be worn.
5. PD insignia will be worn on the right and left collar, except that officers with the rank of corporal and sergeant shall wear goldtone collar brass signifying their rank.
6. Undershirt (if worn) will be black in color with no visible writing or slogans.
7. Solid black gloves.
8. Sleeves will not be rolled up or turned over.

B. Black pants or trousers. Denim material is not allowed.

C. Bullet Proof Vests – At all times when functioning in the capacity of a police officer while in uniform, employees are required to wear a department issued bullet proof vest. This includes all off-duty employment as well.

D. Caps

1. Caps will be black and will display the Departmental patch or be plainly marked with the word "Police" above the hat bill.
2. During extreme weather conditions, functional hats and caps may be authorized by the Division Commander. Such hats and caps will be black in color unless they serve as a rain cover.

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- L. The uniform will not be worn off-duty except for brief periods to and from work. The wearing of the uniform is only authorized by the Chief of Police. No part of the uniform may be worn with civilian clothing except the equipment belt and badge when a weapon is worn.
- M. Special Uniforms – The Chief of Police may authorize special uniforms and equipment that would enhance the accomplishments of special units or assignments. These uniforms include but are not limited to bicycle patrol uniforms, special event uniforms, marine patrol uniforms, etc. These special uniforms will be worn in a professional manner as outlined in this General Order.

III. Non Uniformed Officers Clothing Requirement

All non-uniformed officers will abide by the same appearance standards as uniformed officers. The Chief of Police may make exceptions to these standards. All non-uniformed officers will dress conservatively in a manner complimentary to the individual and generally acceptable to the business community.

The following are prohibited:

- 1. T-shirts, either plain or with printed logos, pictures or slogans.
 - 2. Sweat pants, sweat shirt and shorts.
 - 3. Faded or torn denim jeans of any color.
- A. Exception to this policy may be made by the Chief of Police to observe special events or accepted "Friday" dress codes.

IV. Non-Police Officer Employee Clothing Requirement

- 1. All employees not classified as a police officer will abide by the same clothing requirements as non-uniformed officers with the following exception:
 - a. Dress code for communications personnel is as follows:
 - 1. Blue uniform shirt with Departmental patch at the top of both sleeves, ¼ to 1 inch below the shoulder seam.
 - 2. Departmental communications badge on the left side above pocket.
 - 3. Metal nametag on right side above pocket. The nametag shall be silver in color.

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Policy Number: **2.06**

Date of Issue: October 1, 2004

SUBJECT: EMPLOYEE INJURY REPORTING

PURPOSE:

To ensure Workman's Compensation Protection for all employees suffering on the job injuries or illnesses.

POLICY:

All employees who are injured on the job will complete a *Supervisor's Injury/Illness Investigation Report* form within twenty-four (24) hours.

DEFINITIONS:

(None)

PROCEDURES:

Injury reports will be completed and filed whether or not the injury is believed to be slight or not.

- I. The employee will complete the form within twenty-four (24) hours and submit the form to the employee's supervisor. Supervisors will keep a supply of blank injury reporting forms available. If the employee is prevented from completing the form due to injury or other justified reason, the employee's immediate supervisor will complete the form.
- II. The immediate supervisor will review the form and forward it to the Chief's Administrative Assistant. The Chief's Administrative Assistant will make a copy for Department records and immediately forward the original to the City personnel office.
- III. Any employee who is off work for any length of time due to an on the job injury or illness that requires a doctor's attention must have a doctor's release in order to return to work. The doctor's release must state that the employee is capable of performing his/her job without restrictions. Light duty requests shall be reviewed and authorized only by the Chief of Police.

END OF SECTION

**ARANSAS PASS POLICE DEPARTMENT
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Policy Number: **2.07**

Date of Issue: October 1, 2004

SUBJECT: VACATIONS AND VACATION REQUESTS

PURPOSE:

To provide guidelines for the efficient scheduling of vacations in order to maintain sufficient staffing at all times.

POLICY:

Personnel wanting vacations will submit requests in writing, addressed to the appropriate supervisor. Vacations will be scheduled on a first request basis. Vacation requests are not considered as being submitted until it is accepted, dated and signed by the appropriate supervisor. When two or more requests are received on the same date for the same days off, priority will be given to seniority. It is the approving Supervisor's responsibility to insure that the work force does not fall below the requirements.

DEFINITIONS:

(None)

PROCEDURES:

- I. Vacations of Two or More Days
 - A. An employee wanting two or more vacation days will file a written request with the employee's Supervisor no less than ten (10) days prior to the starting date of the vacation.
 - B. The Supervisor will insure that the employee has the requested time accrued and insure the absence of the employee will not bring his work force below requirements. The Supervisor will approve or deny the vacation request and notify the employee of the approval or denial. If the vacation request is denied, the immediate Supervisor will also forward his decision to the Division Commander.
- II. Vacations of One Day
 - A. An employee wanting one vacation day must file a written request with the employee's immediate Supervisor no less than seventy-two (72) hours prior to the start of the vacation.

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Policy Number: **2.09**

Date of Issue: October 1, 2004

SUBJECT: EMPLOYEE SICK LEAVE

PURPOSE:

To establish requirements for employees who cannot work due to illness. This will enable a supervisor to arrange for proper shift coverage.

POLICY:

Employees who cannot work due to illness or injury will notify their immediate supervisor as soon as practicable prior to the start of their tour of duty. Communications employees and sworn personnel shall make every reasonable attempt to notify their supervisor at least four (4) hours before their shift begins.

DEFINITIONS: (None)

PROCEDURES:

- I. Operations Personnel
 - A. Officers calling in sick will contact their shift supervisor of that day. This may be the regular shift supervisor, relief supervisor, the officer in charge when no supervisor present or other assigned supervisor within the Operations Division.
 - B. If the shift supervisor cannot be contacted, the patrol officer shall notify the Lieutenant.
 - C. The supervisor or Lieutenant who is contacted will arrange for a replacement if needed for the safe operation of the shift in the following order:
 1. An officer from a split shift to be moved to the vacant shift, if feasible.
 2. An officer from the preceding shift cover the first four (4) hours of the vacant shift and an officer from the proceeding shift will come in four (4) hours early to cover the remainder of the vacancy.

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III. Physician's Release

- A. In cases where an employee has had an injury or disabling illness, the Department may require a written release from a physician to permit the employee to return to work.

END OF SECTION

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Policy Number: **2.10**

Date of Issue: October 1, 2004

SUBJECT: OFF-DUTY EMPLOYMENT

PURPOSE:

To establish guidelines for employees seeking employment while off-duty. This order establishes procedures to protect the police department's reputation, limit civil liability, and prevent conflict of interest and/or favored treatment for off-duty employees.

POLICY:

Employees of this department may not engage in any outside or off-duty work, which is inconsistent with our duties and responsibilities. Off-duty employment that will bring, or should reasonably be expected to bring discredit on the Aransas Pass Police Department or the City of Aransas Pass is strictly prohibited. Employees are required to obtain written permission from the Chief of Police before working any off-duty job.

DEFINITIONS:

Off-duty employment – any work which is done for an employer other than the Aransas Pass Police Department including voluntary work.

PROCEDURE:

I. Prior Approval Required

- A.** Before beginning any off-duty work, an employee must obtain prior written approval from the Chief of Police.

The following types of employment are prohibited:

1. Security work in an establishment where more than 51% of its business is from the sale of alcoholic beverages for on-premise consumption.
2. Any work in a sexually oriented business.
3. Any work for an organization or individual with ties to criminal activity.

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- D. Officers working off-duty traffic or security jobs in uniform will consider themselves as on-duty police officers. They will:
1. Take the appropriate action to deal with any violation of the law or breach of peace that comes to their attention.
 2. Comply with all department orders and directives.
 3. Be responsible for completion of any arrests initiated by him, and any and all paperwork, and any traffic control that may be needed.
- E. Officer working security in uniform will not:
1. Enforce the rules or regulations of their off-duty employer, or
 2. Do any type of work that would not fall into a police officer's job description, such as:
 - a. operate a cash register,
 - b. take tickets,
 - c. do janitorial work,
 - d. demonstrate products.
 3. An officer working off-duty security will not be eligible for overtime or compensation pay.

III. Use of Department Equipment in Off-duty Traffic or Security Jobs

- A. The Chief of Police may authorize the use of equipment assigned to his department if the use of the equipment will accomplish a legitimate law enforcement objective.
- B. Department equipment will not be used to endorse a private service or product.

IV. Coordination of Off-Duty Work

- A. All requests for off-duty work received at the police department will be coordinated by a supervisor or designee. Any requests for officers to work off-duty in uniform will be routed to one of the supervisors who will:

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Policy Number: **2.12**

Date of Issue: October 1, 2004

SUBJECT: POLICY & PROCEDURE MANUAL UPDATING

PURPOSE:

To establish responsibility for maintenance of the Policy & Procedure Manual.

POLICY:

It is mandatory and the responsibility of each member of the Aransas Pass Police Department to become familiar with and have a working knowledge of the Aransas Pass Police Department Policy & Procedure Manual.

It is the responsibility of each individual and all supervisors to see that all Policy & Procedure manuals are kept current.

It is the responsibility of the Police Department administration to ensure that the Policy & Procedure manual is reviewed and updated annually or as needed.

DEFINITIONS: (None)

PROCEDURES:

- I. At least once each year, the Chief of Police will make a comprehensive review of the Aransas Pass Police Department Policy & Procedure Manual.
- II. Ideas and concepts for new or revised policies or procedures may originate at any level of the Department and will be submitted to the Chief of Police for consideration and possible implementation.
- III. All employees are responsible for notifying the Chief of Police of discrepancies in the policies and procedures. Also, each employee should make recommendations to the Chief of Police as they deem necessary to add or delete a policy anytime during the year.

END OF SECTION

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: **2.30**

Date of Issue: October 1, 2004

SUBJECT: PERSONNEL – COMPLAINT PROCEDURES

Nothing in these general orders shall be construed or is intended to alter the at-will status of any employee and no employee or supervisor of the City of Aransas Pass has the authority to make any statement or take any action which alters the at-will status of any employee or which creates any expectation of future employment.

I. POLICY

The image of the Department depends on the personal integrity and discipline of all Departmental employees. To a large degree, the public image of this Department is determined by the professional response of the Department to allegations of misconduct against it or its employees. The Department must competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the Department's response to community needs.

II. PURPOSE

To establish procedures for the filing, investigating, and dispositions of internally and externally originated complaints against employees of the Aransas Pass Police Department. These complaints include all alleged or suspected violations of the Code of Conduct, Department General Orders, the City of Aransas Pass personnel Rules and Regulations, the Ordinances of the City of Aransas Pass, or the laws of the State of Texas or the United States.

III. PROCEDURES

- A. The Department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Department members shall receive complaints courteously and shall handle them efficiently. All officers are obligated to explain the complaint procedures to inquiring citizens.
- B. The Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In such situations, words, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of police work.

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3. In violation of Departmental General Orders or City of Aransas Pass personnel rules.
- E. **Non-Disciplinary Action.** Oral or written counseling given to employee to bring attention to noted job performance deficiencies or chronic regulation infractions in an effort to induce voluntary compliance.
- F. **Personnel Incident Form.** Form, used by the supervisor who initially receives information, to report details of alleged employee misconduct or to report favorable actions of an employee.
- G. **Level I Complaints.**
1. **Crime.** Complaint of involvement in criminal conduct, such as bribery, theft, perjury, etc.
 2. **Excessive Force.** Complaint that the use or threatened use of force against a person was unreasonable and unnecessary under the circumstances.
 3. **Arrest/Detention.** Complaint that the restraint of a person's liberty occurred without probable cause, reasonable suspicion or other legally valid reasons.
 4. **Entry.** Complaint that entry into a building or other property was improper and/or that excessive damage was caused to the property to gain entry.
 5. **Search.** Complaint that the search of a person or property was illegal, improper or unjustified.
 6. **Harassment.** Complaint that taking, failing to take, or the method of police action was predicated upon factors that were irrelevant, such as race, attire, sex, age, etc.
 7. **Serious Rule Infractions.** Complaint such as disrespect toward a supervisor, intoxication on duty, sleeping on duty, neglect or dereliction of duty, false statements, or malingering.
- H. **Level II Complaints**
1. **Demeanor.** Complaint that an employee's manner, gestures, language or other actions were offensive or inappropriate or gave the appearance of a conflict of interest or misuse of influence.

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VII. ANONYMOUS COMPLAINTS

Anonymous complaints shall be investigated only at the specific direction of the Chief of Police. If a preliminary investigation identifies a violation, the formal complaint may be signed by the Chief of Police or his designee.

VIII. INVESTIGATION RESPONSIBILITY

- A. All Level I complaints shall be formally investigated by personnel as assigned by the Chief of Police.
- B. Level II complaints shall be initiated by Personnel Incident Form and conducted at the line supervisor level with prior approval and staff supervision of the Chief of Police. Level II complaints which are conducted at the line supervisor level shall be subject to non-disciplinary action only unless urgent circumstances exist. Level II complaints which are investigated at the line supervisor level may be subject to disciplinary action only at the authorization of the Chief of Police. Level II complaints may be subject to a formal investigation with the approval of the Chief of Police. Level II complaints which are formally investigated shall be subject to the full range of disciplinary actions including termination.

IX. AUTHORITY AND RESPONSIBILITY

A. All Employees

- 1. Non-supervisory personnel shall utilize their chain of command to report infractions. Non-supervisory personnel may report infractions directly to the Chief of Police or City Manager if the infraction involves a person in their immediate chain of command or the infraction is of a Level I classification.
- 2. Any employee who gains knowledge of a reported infraction shall immediately submit a memorandum outlining the details of the reported infraction to his supervisor as soon as practical. Each participating employee in a complaint investigation shall submit all affidavits and memoranda that are required by the investigator of the complaint.

B. Supervisors

- 1. Supervisory personnel shall initiate an Personnel Incident Form when they become aware of an infraction by any member of the Department.

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complainant to send a signed letter addressed to the Chief of Police;

- c. send the original affidavit (if obtained at the time of the initial complaint) and the Personnel Incident Form, without employee response, *directly* to the Chief of Police office and retain a copy. *No copies of the affidavit shall be forwarded to any other individual(s);*
2. The Chief of Police or his designee shall examine the content of the complaint to determine if it meets the requirements of a complaint, i.e. alleges a violation of the law or the regulations of the Department and/or the City of Aransas Pass.
3. The Chief of Police or his designee will assign a control number to the case and designate an investigator to examine the allegation.
4. The accused employee may be required to respond orally and in writing to the complaint.

B. Level II Complaints

1. Citizens who telephone or appear in person between 0800 and 1700 hours on weekdays and wish to make a complaint against an employee shall be referred to the Chief of Police.
2. When the Chief of Police is unavailable, complainants shall be referred to an on-duty supervisor. The supervisor shall:
 - a. interview the complainant in person or by telephone to obtain all pertinent information so that the complaint may be placed on a Personnel Incident Form;
 - b. send the original Personnel Incident Form to the Chief of Police for further determination of complaint classification;
3. When a Level II complaint is to be resolved at the line supervisor level, the investigative file will be set up and delivered to the appropriate supervisor who shall investigate the allegation. The investigation will be properly documented and submitted to the Chief of Police for approval.

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1. The accused employee will ***not*** be permitted to have counsel present during an interview concerning an internal investigation. The Fifth Amendment right to counsel ***does not apply*** to administrative matters if a Garrity order has been issued to the employee.
2. An accused employee is not entitled to receive the Miranda warning during an administrative investigation. The employee shall be directed to read and sign the Internal Investigation Warning and shall be provided with a copy.

D. Search of Equipment

Reasonable searches of Departmental equipment (lockers, desks, vehicles, etc.) and facilities for the purpose of identifying and securing evidence that may be utilized as part of an administrative investigation. The search must be approved in advance by the Chief of Police or his designee and the circumstances shall be documented by the supervisor in a memorandum to the Chief of Police through the chain of command. Pursuant to these procedures and orders, no employee shall have any expectation of privacy in any Departmental equipment or facilities such as lockers, desks or vehicles..

E. Special Examinations

1. An accused employee may request, by memorandum, to undergo a behavioral cause investigation, blood test, or polygraph examination if he believes such would be beneficial to his defense. The Chief of Police shall authorize or deny all such requests.
2. The Department may ***require*** an accused employee to submit to a behavioral cause investigation or polygraph examination. The results of such examination would be limited to administrative use except as provided by law.

F. Polygraph Examinations

1. In some cases, a complainant may undergo a polygraph test to substantiate his allegations made against an employee in an affidavit. When the test reveals no deception on the part of the complainant, the accused employee may be ordered to submit to a polygraph test.
2. Should the accused employee refuse to take the test after being ordered by the Chief of Police, the accused employee may be subject to disciplinary

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properly conducted lineup is grounds for disciplinary action and may result in dismissal.

1. A photo identification book of Department employees may be maintained for the purpose of identification by citizens of an employee accused of misconduct. Photographs of employees for the identification book may be required by the Department and shall be used only when narrowly related to the employee's job.
2. Photographs or videotape pictures of employees, with or without an employee's consent, may be taken for the purpose of internal investigations as related to the employee's job when the employee is suspected of misconduct.

XIII. COMPLETION OF COMPLAINT INVESTIGATION

- A. Upon conclusion of an administrative investigation, the complaint will be classified as one of the following:
 1. Unfounded - Allegation is false or not supported factually.
 2. Exonerated - Incident complained of did occur but the officer's actions were lawful and proper.
 3. Not sustained - Insufficient evidence either to prove or disprove the allegation.
 4. Sustained - Allegation is supported by sufficient evidence.
 5. VNR - Violation not related to initial complaint.
- B. Upon completion of the investigation, the Chief of Police shall forward the file to the appropriate City Official for review.
- C. The Chief of Police or his designee will notify the complainant of the final disposition except when a pending criminal case might be compromised by disclosure of this information.
- D. Regardless of disposition, all complaints that are investigated shall be submitted to the City Manager for review. The Chief of Police may forward the investigation to the appropriate supervisor so that preventive measures can be taken to avoid similar complaints in the future.

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formally investigated or urgent circumstances exist and other disciplinary actions are authorized by the Chief of Police.

1. Verbal Warning - The purpose of a verbal warning is to allow a supervisor to bring to the employee's attention the need to improve his work performance, work habits, behavior, or attitude, and to serve as a warning against further unsatisfactory conduct. The supervisor shall utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved. The supervisor shall document the verbal warning on a Personnel Incident Form and forward it to the Chief of Police for disposition. Upon request of the employee, the documentation of the verbal warning may be removed from the file and destroyed after a period of one year.
2. Written Warning - The purpose of a written warning is to bring to the employee's attention the need to improve his performance, work habits, behavior, or attitude where a verbal warning has not resulted in expected improvement, or when action more serious than a verbal warning is warranted. The supervisor shall document the violation on a Personnel Incident Form and forward same to the Chief of Police through the chain of command with a recommendation for a written warning. Upon approval, the form and the written warning issued by the supervisor shall be placed in the employee's Departmental file. If not approved the supervisor shall retain the option to issue a verbal warning unless otherwise directed. Upon request of the employee the written warning may be removed from the file and destroyed after a period of two years.
3. Training - When additional training is warranted and approved by the Chief of Police.

C. Level I Infractions

Level I infractions which are classified as sustained are subject to the following types of disciplinary action which can only be assessed by the Chief of Police subject to appeal and approval by the City Council.

1. Written Reprimand - Upon request of the employee the form may be removed from the file and destroyed after a period of two years;
2. Suspension;
3. Demotion;

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D. Emergency Relief From Duty, Suspension, or Discharge

1. Any supervisor has the authority to impose emergency relief from duty for an employee until the next business day when it appears that such action is in the best interest of the Department and/or the employee. Whenever an employee is relieved from duty, the Chief of Police shall be immediately notified.
2. Only the Chief of Police has the authority to place an employee on administrative leave with pay.
3. When an employee is temporarily relieved from duty, his supervisor shall collect the employee's badge(s), Department issued weapon(s) and police identification card. When an employee is discharged, the supervisor shall ensure that all city-issued property and equipment used by the employee is turned in. In either case, the supervisor shall forward, through the chain of command, a written report detailing the items that he has collected.

XVII. APPEALS AND GRIEVANCES

Appeals and grievances may be filed by any employee in accordance with the City of Aransas Pass Personnel Policies and Procedures. Employees may appeal disciplinary actions of the Chief of Police to the City Manager.

XVIII. BEHAVIORAL CAUSE INVESTIGATION

- A. A behavioral cause investigation is an administrative investigation which is conducted when an employee exhibits unusual or abnormal behavior which affects his or her ability to perform her job in a proper or safe manner. This may either be observed behavior by the employee's supervisor(s) or a perceived behavioral deficiency which is claimed by the employee. The employee is referred, at the City's expense, to a licensed psychologist who will examine the employee and make a determination as to his fitness for duty in light of the observed/claimed behavior.

B. Authority and Responsibility

1. The Chief of Police may initiate a behavioral cause investigation whenever he believes it is in the best interest of the employee and/or the Department.

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psychologist which does not relate to the specific incident or problem under investigation will be considered privileged communication and shall not be entered into any Departmental file or history on the employee.

F. Handling of Mentally Disturbed Employees

1. When a supervisor becomes aware that an employee has reported for duty exhibiting, or while on duty exhibits, abnormal behavior, indicative of a disturbed mental or emotional condition, the employee shall be removed from any assignment which necessitates contact with the public. If necessary, the employee may be temporarily relieved of duty by his supervisor. The supervisor shall notify the Chief of Police as soon as practical.
2. When a supervisor becomes aware of a suspected behavioral problem and/or any of the administrative actions have taken place as described in Section XVIII. paragraph F.1., he shall submit a confidential memorandum to the Chief of Police for his consideration.

END OF SECTION

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: **4.02**

Date of Issue: October 1, 2004

SUBJECT: WEAPONS

PURPOSE:

To establish policy dictating the type of weapons authorized for use by officers, the manner in which they are carried, and guidelines for the issue of city owned weapons.

POLICY:

Peace officers of the Aransas Pass Police Department are authorized to use only weapons that are approved by the Chief of Police and with which they are currently qualified. Peace officers will not use or carry weapons, on or off-duty with which they have not qualified and/or certified in using. Weapons owned by the Aransas Pass Police Department may be checked out as need warrants. Automatic weapons, tear gas chemical agents and distraction devices will only be checked out and used by officers trained in their use.

DEFINITIONS:

Weapons – Includes all firearms, batons, chemical gas, and distraction devices.

PROCEDURES:

I. Authorized Brands and Caliber of Handguns:

A. Authorized Handgun Brands Are:

1. Smith & Wesson
2. Colt
3. Browning
4. Beretta
5. Sig Sauer
6. Ruger
7. Glock
8. H&K
9. Walther

B. Authorized Calibers Are:

1. .38 Special
2. .357 Magnum
3. 9mm
4. .357 Sig

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1. When authorized by the Chief of Police;
 2. When needed for special or unusual circumstances and authorized by the supervisor.
- B. Special weapons, with the exception of OC spray, will not be carried by officers as a matter of routine, but only as required by special circumstances. Special weapons will only be used by officers who have been qualified and/or certified in their use.
- C. All weapons made illegal by the Texas Penal Code are prohibited for use by officers unless listed above.
- IV. Batons
- A. Authorized Batons:
1. Expandable straight baton that is expandable to no more than 31 inches.
- B. Other types of batons are prohibited unless authorized by the Chief of Police in writing.
- V. Holsters and Carriers For Weapons
- A. All handguns will be carried in holsters at all times including back-up weapons. Holsters will be of a make and model designed for the weapon to be carried. It is recommended that duty weapons be carried in a holster of at least security threat level II or greater.
- B. Batons will be carried using a baton holder on the officer's belt.
- C. Shotguns may be carried in a case or out of a case, but must be easily and readily accessible to the officer. Shotguns not secured with a locking device will be stored in the vehicle trunk. Shotguns will be carried with an empty chamber only until needed. It is the officer's responsibility to make sure the chamber is empty, slide is forward, and the firing pin disengaged when being transported. All Aransas Pass Police Department owned shotguns will be kept in the armory at the police department unless individually assigned. No shotgun may be brought into the police facility that has not been cleared of ammunition. Shotguns will not be cleared of ammunition within the police facility. Ammunition will not be kept with the shotguns stored in the armory.

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VII. Care of Weapons

- A. All officers will maintain their weapons in a clean and safe working condition. All weapons are subject to inspection at any time by supervisors.
- B. After being fired, all duty weapons will be cleaned by the beginning of the officers next workday.
- C. Officers will be responsible for the cleanliness of department shotguns that they use.
- D. Any departmental weapon or firearm that is found to be inoperative or malfunctioning shall immediately be removed from service and given to the rangemaster for servicing or repair.

VIII. Safety

- A. All officers are responsible for the safe handling of any firearm or weapon in which they come into contact.
- B. Absolutely no playing with firearms/weapons or other unsafe acts with firearms/weapons will be allowed.
- C. Officers will only draw their weapons from their holster for official business and will use extreme caution in handling any weapon at all times.
- D. Any officer conducting or participating in a training exercise scenario or field exercise will inspect all firearms used in the training to ensure that all firearms are unloaded and clear of all live ammunition. Under no circumstances will loaded firearms be used in any training exercise.

- IX. Authorized Ammunition – Officers will only carry and use ammunition that is approved by the department and with which they have qualified.**

END OF SECTION

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GENERAL ORDER**

Policy Number: **4.03**

Date of Issue: October 1, 2004

SUBJECT: ARRESTS AND DETENTIONS

POLICY

There are many potential problems associated with a law enforcement officer's power to arrest. Occasionally, situations exist where there are grounds for a lawful arrest, however, circumstances dictate an offender not be arrested. Sometimes, officers choose not to effect an arrest even when a clear violation has occurred and an arrest would have been prudent. Arrests made by police officers can create problems relating to the public's perception of the Department. The Officer, the Department, and City may be open to serious civil action unless important issues are carefully considered before effecting an arrest. Therefore, officers shall use good judgment when effecting an arrest.

It is the policy of the City of Aransas Pass that arrests occur only upon probable cause or upon confirmation of a valid arrest warrant pursuant to applicable State and Federal Law, including the Fourth Amendment to the U.S. Constitution. Detentions which fall short of arrest shall only occur based upon reasonable suspicion under applicable State and Federal law and pursuant to the Fourth Amendment to the U.S. Constitution.

PURPOSE

To define the authority of officers to arrest, and the mechanism for arrest with and without a warrant.

DEFINITIONS

Custodial Interrogations - Questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.

Field Release - A procedure in which an officer detains an actor for a Class C misdemeanor but immediately releases him after the actor has met a prescribed criteria and has signed a citation promising to appear.

Foreign National - One that owes allegiance to or is under the protection of a nation other than the United States. Also a citizen of a nation other than the United States.

Interview - As opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim or citizen.

Probable Cause - Facts and circumstances, that which is more than mere suspicion, that would lead a reasonable and prudent person to believe that an offense has been or is being committed.

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reasons of safety or security may not be reasonable and may turn the detention into an arrest.

- C. A person not under arrest does not have to be read the *Miranda* Warning during questioning by police officers even if he is a suspect. The Fifth Amendment right against self-incrimination:

1. When Miranda applies:

The voluminous case law covering Miranda (Miranda v. Arizona) warnings has established several guidelines for officers to help decide when warnings must be administered. Miranda applies only to custodial interrogation. As to what constitutes custody, if a reasonable person in the suspect's position believes that he or she is not free to leave, then Miranda applies. Note that the officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the subject is determinative.

2. Circumstances for administering Miranda:

In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation. If police questioning is conducted in a police car or at a police station, the environment may be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and Miranda warnings must be administered before the officer asks questions about the offense. In short, then, Miranda warnings must be given when:

- a. the suspect reasonably believes that he/she is in custody; and
- b. the suspect is interrogated.

D Rights Admonition

1. In order to achieve uniformity in administering *Miranda* warnings, police officers will be issued cards with the *Miranda* warnings and waiver on them. Officers will advise suspects, verbatim:
- a. "You have the right to remain silent."
 - b. "Anything you say can and will be used against you in a court of law."

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E. The Fifth Amendment Against Self-Incrimination

1. When *Miranda* applies:

The voluminous case law covering *Miranda* (*Miranda v. Arizona*) warnings has established several guidelines for officers to help decide when warnings must be administered. *Miranda* applies only to custodial interrogation. As to what constitutes custody, if a reasonable person in the suspect's position would believe that he or she is not free to leave, then *Miranda* applies. Note that the officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the suspect is determinative.

2. Circumstances for administering *Miranda*:

In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation: if police questioning is conducted in a police car or at a police station, the environment *may* be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and *Miranda* warnings must be administered before the officer asks questions about the offense. In short, then, *Miranda* warnings must be given when:

- a. The suspect reasonably believes that he/she is in custody; and
- b. The suspect is interrogated.

3. Voluntariness of confessions:

The courts have provided officers with much latitude in interrogating suspects. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the **totality of the circumstances**. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. Officers must:

- a. carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and
- b. coupled with the background characteristics, choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. **Note**

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- d. the extent to which the later statement differed from a previous one; or
- e. the apparent intellectual and emotional state of the suspect.

G. Compliance with Constitutional Requirements During Criminal Investigations

- 1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers will ensure that:
 - a. All statements or confessions are voluntary and non-coercive;
 - b. All persons are advised of their rights in accordance with this general order;
 - c. All arrested persons are taken promptly before a magistrate for formal charging;
 - d. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney;
 - e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendants right to a fair and impartial trial.

H. Constitutional Rights of Arrested Persons

- 1. Detentions shall occur only based upon reasonable suspicion and arrests shall occur only upon probable cause or upon warrants that have been confirmed by the issuing agency.
- 2. No officer may use force which, under the circumstances, is deemed excessive under the U. S. Constitution and applicable case law.
- 3. Officers will be cognizant of and protect the Constitutional rights of all persons detained or arrested.

I. The Use of Discretion by Officers

- 1. Officers, by the nature of their job, are required to exercise discretion in the performance of their duties. The Department provides officers with written policies, rules, Departmental orders, directed patrol assignments,

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- (3) Decide, based on circumstances, whether the person may disregard a summons.

3. Informal handling of criminal matters:

Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should consider such alternatives.

4. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the Department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

- a. The seriousness of the offense.
- b. The likelihood that the violator will heed the warning.
- c. The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.

5. Custodial arrests for Class C offenses:

- a. Officers are authorized by applicable law, with certain statutory exceptions, to arrest persons for violations of class C offenses which carry a fine only penalty upon conviction. Officers will use good judgment and discretion in determining whether to arrest or issue a citation for such violations. As a rule, Officers will issue citations for non-jail offenses unless the violator refuses to sign the promise to appear or other extraordinary circumstances are present.
- b. The following factors must be considered and documented by the officer upon making an arrest for any offense which carries a fine only penalty upon conviction:
 - (1) Danger to others if the violator is released;
 - (2) Probability that the violator will or will not appear for court;

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III. ARREST - GENERAL PROVISIONS

- A. When to arrest. Refer to Texas Code of Criminal Procedure, Article 2.13. Duties and Powers (of Peace Officers to make arrests.)
1. Officers may arrest when probable cause exists pursuant to the Texas Code of Criminal Procedures and/or
 2. Upon confirmation of a valid warrant.
- B. When not to arrest. Any decision not to arrest must be reached only after the officer has carefully weighed the following guidelines.
1. Would the arrest cause a greater risk of harm to the general public if the offender remained at large? For example, in a crowded situation than officer's decision to arrest may aggravate tension and lead to a riot or other serious disorder.
 2. Are police resources stretched to the limit? For example, on a particularly busy night, arrests for very minor offenses may consume an officer's time, preventing him from responding to more serious crimes. (Officers should remember that even though an arrest may not be made at the time the offense occurs, a report can later be prepared for the purpose of securing the issuance of a warrant.)
- C. Arrests Off-Duty and Out of Uniform. Officers of this Department while off-duty or out of uniform shall not:
1. make arrests in their own quarrels, in those of their families, or in disputes arising between their neighbors unless the arrest is made in self-defense, to prevent injury to another, or when a serious offense has been committed;
 2. make any arrest after the consumption of alcoholic beverages, except when necessary to prevent death or serious bodily injury;
 3. make arrests for any Class C misdemeanor except to prevent injury or to prevent a continuing breach of the peace;
 4. enforce any traffic law.
- D. Off-Duty and Out of Jurisdiction Arrests

Anytime an off-duty officer makes an arrest while outside his jurisdiction, he shall immediately comply with Texas Code of Criminal Procedure, Article 14.03 (d) and, as

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C. Reports

All arrests made without a warrant, as detailed herein, shall be accompanied by an incident report including a statement of the probable cause for the arrest.

D. Arrests for Class C Misdemeanors and Field Release

1. Generally:

- a. An officer's decision to conduct a field release does not limit his authority, established by law or Departmental policy, to engage in police investigatory techniques such as search and seizure, collection of evidence, interview, and/or completion of written reports.
- b. When appropriate, a citation must be completed on Class C misdemeanor arrests.

2. Criteria for Field Release:

An officer may conduct a field release only when he has probable cause and authority to make an arrest without warrant for the alleged offense and only if all of the following factors are present.

- a. The actor has a Texas address and sufficient personal identification with photograph to fully identify him.
- b. The officer has no valid reason to believe that the actor will fail to appear in court as agreed.
- c. The officer has no valid reason to believe that after field release the actor will likely suffer injury, continue the violation, or commit a more serious violation. If there is any possibility that the actor's physical condition would lead to his or anyone's injury, he shall be released to a responsible adult without being arrested, however, the Texas Code of Criminal Procedure, Chapter 14. Article 14.06 (b), prohibits a field release for the offense of Public Intoxication.
- d. The actor is not the subject of an outstanding arrest warrant.
- e. In the case of a shoplifter, the officer has checked Consolidated Criminal History information and, when possible, with the Records Unit to be sure that the actor is not a known offender. If a field release is conducted, the actor will be escorted out the store before being released.

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- E. Arrests for offenses which carry a fine only penalty, typically traffic offenses or Class C misdemeanors, are governed by General Order No. dealing with Limitations of Authority.

V. ARREST WARRANTS

A. Determining Validity

- 1. Refer to Texas Code of Criminal Procedure, Article 15.02. Requisites of warrant.
- 2. Unless an emergency situation exists, an officer shall confirm the existence of any arrest warrant prior to arrest or as soon as possible thereafter.

B. Procedures

- 1. In executing an arrest warrant, an officer shall inform the person being arrested that the arrest is made pursuant to a warrant. He shall also inform the person of the charge and of the agency issuing the warrant.
- 2. Warrants from Other Texas Jurisdictions
 - a. Refer to Texas Code of Criminal Procedure, Article 15.21. Prisoner discharged if extradition not timely demanded.
- 3. Out-of-State Warrants. Arrests on warrants issued by out-of-state jurisdictions.
 - a. Refer to Texas Code of Criminal Procedure. Chapter 51. Fugitives From Justice. An offense report entitled "Fugitive from Justice," shall be completed and a complaint shall be filed.
 - b. Absent specific statutory authority, Officers shall not execute misdemeanor arrest warrants issued outside Texas.

C. Time Consideration

An officer who lawfully stops or detains a person may initiate a records check to determine whether any arrest warrant is outstanding against that person.

- 1. For a routine records check, the detention shall not exceed thirty (30) minutes unless urgent circumstances exist.

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- A. When an arrest is conducted and is later found to be improper or inappropriate, for whatever reason, a supervisor shall immediately be notified. If the facts dictate that the individual should be "unarrested" and released, every courtesy possible will be extended to the individual(s). This shall include access to telephones and the furnishing of transportation.
- B. The supervisor shall submit a detailed brief administrative memorandum and all incident reports and related paperwork shall be forwarded to the Chief of Police for review.
- C. Anytime that there is an indication of improper police action and/or lawsuit potential, the supervisor shall notify the Chief of Police and forward the file to the appropriate City official.

VII. DETENTION OF FOREIGN NATIONALS

The following is quoted from the United States "Department of State Guidelines Regarding Foreign Nationals Arrested or Detained in the United States" and shall be considered the policy of the City of Aransas Pass:

"The U.S. Department of State requires the assistance of state and local enforcement authorities in carrying out the following international obligations of the United States concerning the detention or arrest of foreign nationals in this country. These obligations are embodied in bilateral treaties with specific countries and in the multilateral Vienna Convention on Consular Relations, to which the U.S. is a party and which the U.S. regards as customary international law binding on parties and non-parties alike. The Department of State wishes to remind state and local governments that these obligations are legally binding on them. The legal requirements are as follows:

- Whenever a state or local authority arrests, imprisons or otherwise detains a foreign national such authority must promptly inform the detainee of his right to have his government informed of such event.
- If the detainee asks to exercise this right, the detaining authority should inform the appropriate foreign consulate or embassy without delay and make a written record of such notification.
- Subject to local laws and regulations regarding access to detained persons, consular officers have the right to visit their nationals who are in prison, custody or detention, to converse and correspond with them and to arrange for their legal representation. A foreign consular officer should not take action on behalf of such a person if the person being held expressly opposes such action.

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- A. Prisoners, regardless of age or sex, should be handcuffed behind their body and placed in the back seat with the seat belt latched, unless there are specific articulable objective reasons for other action.
- B. There may be some instances where it is appropriate to handcuff a prisoner in front of their body or to not handcuff at all. However, these instances are rare and such action should be objectively and reasonably justified by the officer.
- C. In all instances the seat belt shall be latched. The belt should be routed across the center of the prisoner's chest and under each arm, or at least one arm, and the buckle fully inserted into the latch.
- D. Leg irons and hobble restraints will not be used on prisoners simply because they remove their seat belts.
- E. Officers will inspect the back seats and floorboard areas at the beginning and end of each shift and after each prisoner transport. Officers will check for damage to the seat or seat belt, dirt, debris, contraband, weapons, and/or body fluids.

X. TRANSPORTING OF VIOLENT PRISONERS

- A. Prisoners should not be removed from patrol units to be restrained, unless there is no other reasonable alternative.
- B. A prisoner that becomes violent or tries to damage City property, after being placed into a patrol unit, should be restrained while still inside unless to do so would likely cause injury to the officer or prisoner.
 - 1. The leg irons should be placed on the prisoner and secured in order to prevent kicking.
 - 2. A single officer should request assistance from a second officer to assist in this process.
- C. Prisoners will not be re-handcuffed at anytime, whether or not they have succeeded in placing the handcuffs partially or fully in front of their bodies.
- D. Handcuffs will not be removed if they are found to be too tight. The handcuffs will be unlocked and allowed to open just enough for proper circulation and then locked again.
- E. Prisoners that are violent prior to being placed in the car may be restrained using the leg irons and hobble restraints if those devices are available to the Department.

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secure such medical attention or release the person to the County Jail and inform jail personnel of the request or apparent need for medical attention. All requests for medical attention or observations of apparent medical need will be fully documented by the arresting officer along with all responsive action.

Officers shall request whatever reasonable assistance is necessary in order to transport handicapped prisoners with a minimum of discomfort, risk and loss of dignity. This may include seeking aid of other officers, medical personnel or an ambulance. Alternatives to arrest should always be considered in these circumstances. The arresting officer shall make reasonable effort to insure the handicapped or disabled prisoner has access to necessary special equipment or medication. If there is little danger of escape or injury, the officer should consider whether restraint devices are necessary.

XIV. ENFORCEMENT ACTIONS WITH PRISONERS IN CUSTODY

Officers will not engage in enforcement actions while a prisoner is in custody unless emergency conditions which present an immediate and serious danger exist and require immediate enforcement action. In no circumstance will an officer engage in a pursuit while a prisoner is in his or her custody.

XV. INTERVIEWS AND INTERROGATIONS

A. Definitions

1. An interview, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or the citizen.
2. An interrogation, according to the Supreme Court, includes the following, per Rhode Island v. Innis, “. . . express questioning or its functional equivalent . . . any words or conduct on the part of police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect.”
3. Officers are reminded that an interrogation does not rely solely or exclusively on words: conduct can be the "functional equivalent" of asking questions.

B. Rights Admonition

1. In order to achieve uniformity in administering Miranda warnings, police officers will be issued cards with the Miranda warnings and waiver on them. Officers will advise suspects, verbatim:
 - a. "You have the right to remain silent."

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1. When Miranda applies:

The voluminous case law covering Miranda (Miranda v. Arizona) warnings has established several guidelines for officers to help decide when warnings must be administered. Miranda applies only to custodial interrogation. As to what constitutes custody, if a reasonable person in the suspect's position believes that he or she is not free to leave, then Miranda applies. Note that the officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the suspect is determinative.

2. Circumstances for administering Miranda:

In determining whether a suspect is free to leave the police officer's presence, a court will look at the circumstances of the interrogation: if police questioning is conducted in a police car or at a police station, the environment may be construed a coercive one, and the interview custodial. Practically speaking, an arrest or physical restraint of a suspect places him or her in custody, and Miranda warnings must be administered before the officer asks questions about the offense. In short, then, Miranda warnings must be given when:

- a. The suspect reasonably believes that he/she is in custody; and
- b. The suspect is interrogated.

3. Voluntariness of confessions:

The courts have provided officers with much latitude in interrogating suspects. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the totality of the circumstances. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. Officers must:

- a. carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and
- b. coupled with the background characteristics, choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. Note that Miranda warnings would have been given before the interrogation takes place, in most instances.

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e. the apparent intellectual and emotional state of the suspect.

4. If there is doubt that the person to whom the warning is given understands the English language sufficiently to understand the warning and make a knowing waiver, the warning should be provided in that person's native language to be effective.

E. Limitations on Police Authority by the City Manager and Chief of Police

Limitations on police enforcement actions by city council, city manager or the Chief of Police include, but are not limited to:

1. city/city tag violations;
2. parking violations; and
3. enforcement of traffic, Class C misdemeanor and City Ordinance violations.

F. Changes in Laws/Interpretational Limitations

Periodically, changes take place which may impose new limitations on police authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to all personnel by the State and/or County prosecutors or other competent authority. In case immediate changes in departmental operations are required, the State and County attorney's office or other competent authority may provide information orally and confirm it in writing.

XVI. CONSTITUTIONAL REQUIREMENTS: GENERAL

A. Compliance with Constitutional Requirements During Criminal Investigations

1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers will ensure that:
 - a. All statements or confessions are voluntary and non-coercive;
 - b. All persons are advised of their rights in accordance with this general order;
 - c. All arrested persons are taken promptly before a magistrate for formal charging;

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- b. Domestic situations where counseling may be appropriate. (Except where applicable law requires an arrest.);
 - c. Juvenile offenders;
 - d. Transient persons who need shelter and food; or
 - e. Certain misdemeanor cases.
2. Authority to issue citations in lieu of arrest/confinement:
- a. Officers may issue citations to appear in lieu of arrest in appropriate circumstances authorized by law.
 - b. The use of summonses by officers:

In determining whether a summons should be used, the officer should:

- (1) Consider whether the offense committed is serious.
 - (2) Consider whether the accused poses a danger to the public or himself.
 - (3) Consider, based on circumstances, whether the person may disregard a summons.
3. Informal handling of criminal matters:

Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should consider such alternatives.

4. Use of warnings as an alternative to arrest:

The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

- a. The seriousness of the offense.

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SUBJECT: **USE OF FORCE**

I. POLICY

Officers are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. Although many decisions and actions of police officers have serious consequences, none are as irrevocable as the decision to use force, particularly deadly force. The degree of force used depends on what the officer perceives as reasonable and necessary, under the circumstances, at the time he decides to use force. Police officers are armed and trained in the use of weapons in order to carry out their responsibility to protect themselves or others against assaults from violent actors. This defensive action is necessary and supported by the Police Department.

II. PURPOSE

To establish guidelines governing the use of force and its limitations and to clearly describe prohibited activities.

III. DEFINITIONS

- A. **Reasonable Belief.** When facts or circumstances the officer knows or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- B. **Force.** That amount of "active power, strength or energy" which is necessary to overcome an actor's physical resistance.

Texas Code of Criminal Procedure, Article 15.24. What force may be used. In making an arrest, all reasonable means are permitted to be used in effecting that arrest. No greater force, however, shall be resorted to than is reasonable and necessary to secure the arrest and detention of the accused.

- C. **Non-Deadly Force.** Force employed which is neither likely, nor intended to cause serious bodily injury or death.
- D. **Excessive Force.** Force is excessive when its application is unreasonable and unnecessary under the circumstances, resulting in *any* injury, serious bodily injury or death to an actor. The U.S. Supreme Court, in Graham v. Connor, 490 U.S. 386 (1989), set forth guidelines for determining whether force has been excessively applied: the primary concern being reasonableness in its application, as judged by the on-scene officer. In evaluating the reasonable application of force, officers

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- B. Except under extreme circumstances, no officer shall use or attempt to use any technique, tactic or weapon for which he has not been fully trained. Said training must have been accomplished in a manner approved by the Department.

1. Weapons

- a. While on and off duty, officers shall carry only weapons and ammunition authorized by and registered with the Department.
- b. Authorized weapons are those with which the officer has qualified and received Departmental training on proper and safe usage and that are registered and comply with Departmental specifications.
- c. The Department shall schedule regular training and qualification sessions for duty, off-duty, and specialized weapons. These sessions will be graded on the basis of officer skill and judgment.
- d. Officers who fail to receive a passing score with their duty weapons, in accordance with Department qualification procedures, shall be relieved of their Police powers and immediately assigned to non-enforcement duties.
- e. An officer shall not be permitted to carry any off-duty weapon with which he has not been able to qualify during the most recent qualification period.
- f. Any officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.

2. Non-Deadly Force

- a. Officers are not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.
- b. The following non-deadly weapons are authorized:
 - (1) ASP expandable baton; and
 - (2) O.C. pepper spray.
 - (3) Taser stun device.

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behavior. The person knows that the individual who has just arrived at the scene is a police officer because of the marked patrol vehicle, the uniform or the visible badge.

Level 2: Verbal Commands - Best illustrated when:

1. The officer advises the person to keep quiet, move along, etc. The person can clearly hear the officer's directions.
2. The severity of the situation has increased to the point that the person may be a suspect or actor in a crime or complaint. The officer is now giving direct orders to the person such as get on the ground, get back, leave the premises, cease his actions, etc.
3. Escalation of voice tone or severity of language may, under appropriate circumstances, constitute an additional step in the verbal commands stage of the force continuum.

Level 3: Chemical Agents; Taser devices - Creates a low level of incapacitation with minimal chance of injury. The person may be attempting to physically attack the officer or blatantly refusing to comply with verbal commands as described in Subsection 2 of Level 2 above. Only chemical agents or Taser devices that are approved by the Department will be utilized by Departmental personnel.

Level 4: Control and Restraint (Empty or Soft Hand) - Best illustrated when the officer applies handcuffs, a wrist lock, take down, pressure point techniques, etc. Most police officer defensive tactics techniques will fall in this category since they are designed for gaining control of the person and do not have a high potential for injury.

Level 5: Striking Techniques (Empty or Hard Hand) - An increase in the level of resistance by the person, punching or increased struggle, may cause the arresting officer to respond by striking the suspect. These blows shall be directed towards areas which are not likely to cause great bodily harm (i.e., motor points, muscle groups, navel area, etc.).

Level 6: Impact Weapons - Only impact weapons that are approved by the Department will be utilized by Departmental personnel. Best

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person is increased or decreased, the officer must adjust his level of response accordingly.

C. Investigations: Non-Deadly Force

1. All "Use of Force" investigations shall be conducted by the Chief of Police or his designee.
2. Facts or circumstances, unknown to the officer, shall not be considered in later determining whether the force was justified. The Department expects officers to employ the minimum force reasonably necessary to accomplish a legal purpose, in all applications of force.
3. Any time a chemical agent, Taser device, impact weapon or control and restraint (empty or soft hand) is used or when the use of force by an officer results in injury, *claimed* injury or damage to property of any person, the officer(s) utilizing the use of force, will complete the Use of Force Report Form and route it to his or her immediate supervisor. When the employee's supervisor is off-duty, or otherwise unavailable, the next level supervisor in the employee's chain of command shall be notified to complete the Use of Force Report Form.
 - a. The supervisor shall act in a fact finding capacity, to gather as much information as possible, so that a decision can later be made as to whether or not a formal investigation is warranted. Toward this end, the supervisor will fill out the form as completely as possible and shall have the officer(s) involved complete the portion of the form intended for the employee's narrative. The supervisor will not render a decision as to whether or not the use of force was appropriate, nor will he recommend any disciplinary action. The employee's supervisor will then forward the completed form to the Chief of Police and/or his designee.
 - b. Use of Force Reporting System: Completed forms shall be filed in the Department Records Section in a designated file. A copy will also be maintained by the Chief's office in a separate file and location. The forms will be retained for a period of three (3) years and may be destroyed on the fourth year.

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- e. Shots at or from moving vehicles will not be discharged unless all other means of defense have failed. Officers shall not voluntarily or recklessly place themselves in a position in front of an oncoming vehicle where the need for deadly force is a likely outcome.
- f. Firearms shall not be discharged when it appears likely that an innocent person may be injured.
- g. The destroying of an animal is justified for self defense, the defense of another person or when the animal is so badly injured or diseased that humanity requires its relief from further suffering. This action shall only be carried out after all attempts have been made to request assistance from those agencies responsible for the disposal of animals.

F. Investigations: Deadly Force

- 1. The procedures, defined herein, regarding the investigation of deadly force incidents shall be used under the following circumstances:
 - a. Anytime an employee discharges a firearm in the performance of duty which results in the death or injury of any person; or
 - b. Anytime an employee discharges a firearm, in the performance of duty, in a manner that is intended to cause the death or injury of any person; or
 - c. Anytime an employee uses force, other than with a firearm, which results in the death or serious bodily injury to any person.
- 2. Involved Employee
 - a. The involved employee shall:
 - (1) when appropriate, render first aid and request an ambulance;
 - (2) notify the Chief of Police of the incident and location;
 - (3) remain at the scene until directed to another location by competent authority;

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employees are responsible for insuring that the Chief of Police is informed of the incident as soon as practical.

4. The Chief of Police and/or his designee (which may include agencies or personnel outside the Department and City) shall conduct a thorough investigation to:
 - a. determine if the use of force was within policy;
 - b. evaluate the quality of supervision prior to, during and after the incident;
 - c. evaluate training related to the drawing of the weapon, firing the weapon, tactics; and
 - d. ensure that the criminal investigation is conducted thoroughly and objectively.
5. Criminal Investigation
 - a. In the event that any Use of Force results in the serious bodily injury or death to an actor, the criminal investigation may be conducted by another agency, at the discretion of the Chief of Police.
- G. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violations that occur prior to the effective date of this Order.
- H. If any section, sentence, clause or phrase of this Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Order.

END OF SECTION

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GENERAL ORDER

Policy Number: **4.07**

Date of Issue: October 1, 2004

SUBJECT: PURSUIT OF FLEEING VEHICLES

PURPOSE:

It is the purpose of this order to establish policy regarding the pursuit of vehicles by Aransas Pass Police Officers. It is essential for all officers, in determining whether or not to pursue a fleeing vehicle, to remember the mission of the Aransas Pass Police Department: Our citizens safety, security, and well being are our highest priority.

POLICY:

- I. Officers may pursue vehicles, which fail to stop for emergency lights and siren as long as the pursuit does not create a greater hazard to the community than would be posed by the offender if he were allowed to escape. The officer's decision to pursue a vehicle must be made in consideration of the following criteria:
 - A. The actual offense known by the officer to have been committed by the offender.
 - B. The likelihood of successfully apprehending the offender by pursuing him, and the likelihood of apprehending the offender at a later time if the vehicle is not pursued.
 - C. The officer's own skill, experience and training in pursuit driving.
 - D. The offender's familiarity with the area.
 - E. The type and condition of the officer's vehicle and pursued vehicle; special consideration must be given if the offender's vehicle is a motorcycle.
 - F. Traffic conditions, to include density, speed of other vehicles, the speed of the pursued vehicle and the officer's vehicle.
 - G. Road conditions to include width, number of lanes, humps, curves, traffic control devices and surface types.
 - H. Type of area and traffic congestion, to include residential, business, schools and churches.
 - I. Day of week, time of day and light conditions.
 - J. Weather and visibility.

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3. vehicle and occupant description;
 4. crime for which the offender is wanted.
 - B. The officer will then request permission from his supervisor to continue the pursuit.
 - C. The officer will maintain a safe distance behind the offender.
 - D. The officer will re-evaluate the pursuit criteria continually throughout the pursuit.
 - E. The officer will discontinue the pursuit when:
 1. It appears that the pursuit is creating a greater danger to the community or officers than is posed by the escape of the offender,
 2. If any equipment on the police vehicle fails,
 3. If ordered to do so by the on-duty supervisor or a supervisor of higher rank than the on-duty supervisor.
 - F. The officer will give continual updates to communications on location, speed, and any other factors that may influence the supervisor's decision regarding the pursuit. If a secondary unit is involved in the pursuit, the primary unit may designate that unit to handle radio communications once a supervisor has given permission for the pursuit to continue.
 - G. The officer will not duplicate the reckless and erratic driving behavior of the pursued vehicle such as going the wrong way on one-way streets, cutting through yards, etc.
 - H. When the pursuit is terminated, either by order of a supervisor or at the officer's discretion, the officer will immediately turn off emergency equipment and return to operating according to traffic laws, and advise communications that the pursuit has terminated.
 - I. The officer(s) will then prepare an "Evading Arrest or Detention" offense report in addition to any other reports generated.
- II. Secondary and Back-Up Units – The secondary and back-up units involved in a pursuit, and any other unit directly involved in the pursuit will:

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- E. The supervisor will prepare a report to the Chief of Police, which describes the actions taken by the supervisor and the details of the pursuit. A copy of all radio logs and offense reports will be attached. This report will be submitted to the office of the Chief of Police prior to the end of the supervisor's tour of duty.
- IV. Communications – In a pursuit, it will be the responsibility of communications to:
- A. Verbally order the radio frequency clear of all other non-emergency radio traffic.
 - B. Notify the shift or the on-duty supervisor.
 - C. Keep an accurate time log on all related radio traffic, especially noting the time the pursuit started and terminated, the time a supervisor was notified, and the vehicle/suspect descriptions and the reason for the pursuit.
 - D. Relay all information to the supervisor in the event he cannot receive it directly.
 - E. Notify other jurisdictions when the pursuit is entering their area and provide the following information:
 - 1. vehicle description, location and direction of travel,
 - 2. number of police units in pursuit,
 - 3. reason for the pursuit,
 - 4. whether assistance is needed or not,
 - 5. notify them when the pursuit leaves their jurisdiction or is terminated.
- V. Limitations
- A. Pursuits will be limited to two police units, the initiating unit and one backup unit. A supervisor may upon evaluation of extenuating circumstances authorize additional units to be directly involved in the pursuit, such as occupants being known to be armed and outnumber the officers.
- If an unmarked unit initiates a pursuit, a marked unit shall relieve it as quickly as possible. An unmarked unit may operate as a secondary unit if no other marked unit is available to respond as backup. The unmarked unit may only participate in a secondary capacity if it is using fully functional emergency lights and sirens.

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Policy Number: **4.09**

Date of Issue: October 1, 2004

SUBJECT: VEHICLE OPERATIONS

PURPOSE

To establish procedures governing the operation of police vehicles with special attention to emergencies and pursuits.

POLICY

All personnel operating Department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All Department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and police personnel.

DEFINITIONS

- I. Normal or Routine Driving. That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road," and courtesy.
- II. Pursuit Driving. That driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle. Pursuits are conducted using emergency equipment—both warning lights and siren.
- III. Emergency Driving. That driving in response to a life threatening or other serious incident (based on available information) which requires emergency equipment in operation. Sections 546.001; 546.002 and 546.005 of the Texas Transportation Code.
- IV. Emergency Equipment. Flickering, blinking, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.

PROCEDURE

I. General

- A. All Departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and many observe the

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however, be worn any time the vehicle is being operated under emergency conditions.

III Inspection

- A. Officers are daily responsible to check the cleanliness, fluid levels (oil, brake fluid, gas), and general operability of equipment of their assigned vehicles.
- B. Officers shall examine their vehicles at the beginning and end of their shifts for damage, overall condition and maintenance needs. Officers shall report any damage immediately to the supervisor on duty or to the Operations Commander. Checklists for these examinations must be completed and turned in daily.
- C. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others.
- D. Officers who discover a police vehicle in need of extensive repairs shall immediately inform their immediate supervisor.
- E. Vehicle damage resulting from abuse or neglect caused by an officer may result in disciplinary action.

IV. Driving Rules

- A. Circumstances permitting, the driver must check the safety features of his vehicle before commencing operation. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering.
- B. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any other part of the vehicle, which affects its operation.
- C. No officer or employee shall operate any police vehicle that he or she reasonably believes to be unsafe.
- D. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
- E. A police vehicle shall not be left unattended either unlocked or with its engine in operation.

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V. PROCEDURES FOR EMERGENCY DRIVING

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. Recognizing that protection of human life is paramount; the responding officer must remember that his objective is to get to the location of the occurrence as soon as possible, safely, without danger to himself or to others. The Texas Transportation Code imposes a duty upon all drivers of emergency vehicles to operate the vehicle with appropriate regard for the safety of others – regardless of conditions. Transportation Code Section 546.005.

B. Operation Of Vehicles

1. Calls for service are classified as Code 1 or 3 depending on circumstances. The Codes are defined as follows:
2. Code 1: Units responding to Code 1 calls shall respond to the location without delay by the most direct route, complying with all traffic regulations and shall not use emergency warning devices.
3. Code 3: Units responding to Code 3 calls as the primary and back-up units shall respond rapidly to the location of the emergency by most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.

C. Code 3 Operations:

Code 3 classification applies to those calls for police service, which indicate a felony in progress or where the violator is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Examples of Code 3 calls (not all inclusive) are:

1. Police officer (or station) needs urgent help;
2. Burglary in progress;

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5. In response to an officer's emergency request for assistance.

VI. PROCEDURES FOR PURSUITS

Refer to General Order No. 4.7.

END OF SECTION

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Policy Number: **4.10**

Date of Issue: October 1, 2004

SUBJECT: FLEET ACCIDENT REPORTING

PURPOSE:

This policy provides guidelines for each employee to be responsible for promptly reporting any accident or damage involving a city vehicle and to comply with all state regulations concerning motor vehicle accidents.

POLICY:

All accidents involving a city owned vehicle shall be reported and an accident report filed regardless of the amount of damage sustained. It is the responsibility of all employees to report to their supervisor any accident involving a police unit even if no damage is apparent.

DEFINITIONS:

(None)

PROCEDURE:

1. Guidelines for reporting accidents
 - A. When a member of the Aransas Pass Police Department is involved in an accident involving a police vehicle (marked or unmarked), he/she will immediately contact the on-duty supervisor. If a supervisor is involved, he will contact his superior officer.
 - B. Police vehicles involved in accidents will not be moved from the scene of the accident until authorized by the investigating supervisor. The vehicle may be moved out of the main flow of traffic if necessary but will be left at the scene.
 - C. Each accident will require an accident report to be made by the Texas Department of Public Safety. If no Highway Patrol units are available, the Sheriff in the county of the accident will be notified. All accidents will be investigated by an outside agency unless otherwise approved by the Chief of Police. The on-duty supervisor will submit a memo regarding the accident and a copy of the complete accident report to the Chief of Police within 72 hours.

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Policy Number: **4.11**

Date of Issue: October 1, 2004

SUBJECT: ACCIDENT REPORTING AND INVESTIGATION

PURPOSE:

The purpose of this policy is to provide a departmental guideline to determine when accident reports should be completed, safety guidelines concerning the investigation, and when an Advanced Accident Investigator should be called.

POLICY:

Officers will investigate all reported accidents occurring on public streets, file a written report, and determine if any appropriate criminal charges should be filed. If all vehicles involved in the accident have left the scene or moved their vehicles to another location, making it impossible to properly investigate the accident, the officer may issue state forms (ST-2 Blue Form) to the drivers. An officer investigating an accident will question each individual involved in the accident, including passengers and any other witnesses of which the officer is aware.

DEFINITIONS:

(None)

PROCEDURE:

I. Accident Reports

- A. Texas Peace Officers Accident Report (ST-3) will be completed on any accident if:
 - 1. The accident results in death or injury of any person; or
 - 2. The damage to the property of any one person is to an apparent extent of \$1,000.⁰⁰ or more and the accident occurred on a public street, highway, or property open to the public for vehicular traffic. This would include business/shopping center parking lots and county or city park areas, but would not apply to private residential parking lots where a fee is charged to park; or
 - 3. The accident involves a criminal offense, regardless of the apparent damage amount to the property.

ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **4.12**

Date of Issue: October 1, 2004

SUBJECT: VEHICLE IMPOUNDS

PURPOSE:

Vehicles must be impounded to ensure their safekeeping or to maintain the uninterrupted flow of traffic. The purpose of this policy is to establish uniformity in the impounding and releasing of vehicles.

POLICY:

If a person is arrested and is the operator of a motor vehicle, the vehicle will be impounded. This requirement may be waived if there is no evidentiary use of the vehicle. The on-duty supervisor may release the vehicle to a responsible person if the person arrested holds a legal interest in the vehicle and agrees to the release. The responsible person must display a valid drivers license and must not appear impaired in any manner that would interfere with the normal operation of a motor vehicle. Vehicles may be impounded when deemed necessary by an officer in other circumstances such as traffic accidents, abandonment. Parking violations and recovered stolen vehicles.

DEFINITIONS:

Junked Vehicle – A vehicle that is self-propelled and:

- (A) Does not have lawfully attached to it:
 - (1) An unexpired license plate; or
 - (2) A valid motor vehicle inspection certificate; and
- (B) The vehicle is:
 - (1) Wrecked, dismantled or partially dismantled, or discarded; or
 - (2) Inoperable and has remained inoperable for more than:
 - (a) 72 consecutive hours, if the vehicle is on public property;
 or
 - (b) 30 consecutive days, if the vehicle is on private property.

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These restrictions are provided for the protection of the arrested person and assumes that the person under the influence of intoxicating substances may not be capable of a rational and coherent decision in respect to himself or his property, and precludes the release of a vehicle to anyone who may not have the best interest of the arrested person in mind.

2. Requirements

a. Vehicles may be released to a responsible third party who may or may not be a family member if:

- (1) The arrested person is not under the influence of intoxicating substances, and
- (2) The arrested person holds a legal interest in the vehicle and agrees to the release, and
- (3) The third party holds a clear and valid drivers license, and
- (4) The third party must not appear impaired in any manner that would interfere with the normal operation of a motor vehicle.

D. Under no circumstances will a vehicle, which was being driven by an arrested person, be left unattended by officers. If the vehicle cannot be released to someone immediately at the scene, it will be impounded. On class C offenses, if the driver is to be released by citation or has resources to post immediate bond, he may be allowed to drive his vehicle to the police department to avoid any unnecessary inconvenience or expense.

II. Traffic Accidents

A. Vehicles towed because of a traffic accident, unless there is a concurrent arrest, are not custodial impounds. Impound sheets will not be completed and inventory will not be made.

B. The wrecker(s) at the top of the rotation list will be notified to remove vehicles that are:

1. Rendered inoperable because of the accident, or
2. Left unattended because the operator was injured in the collision and is unable to remove the vehicle.

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2. Illegally parked on a public street or roadway so as to block the entrance to any private driveway.
 3. Unattended upon a street or easement of the City of Aransas Pass and the officer has reason to believe that the vehicle immediately and substantially interferes with the normal function of City employees or agents in maintaining, constructing or repairing a city street or utility line.
 4. Illegally parked in or upon a fire lane required by the City and conspicuously marked as such, other than an authorized emergency vehicle.
 5. Parked, standing or stopped in violation of parking ban regulations where signs indicate a tow-away zone.
 6. If the parking constitutes an immediate traffic hazard and the owner cannot be located.
- B. A vehicle that is unattended upon public right-of-way that is not deemed a traffic hazard shall be properly marked by affixing a notice of violation (red tag) in such a manner as so to be clearly visible on the vehicle. Upon the expiration of the required time limit of seventy-two (72) hours, the officer shall impound the vehicle.

V. Stolen Vehicle

- A. Recovered vehicles reported as stolen shall be impounded pending processing for evidence and released to the lawful owner. The wrecker taking possession of the vehicle should be advised of any special handling or storage requirements.
- B. If the vehicle has been reported as stolen in Aransas Pass, the officer making the recovery shall complete a supplementary investigation report. The vehicle shall be processed for evidence by the officer making the recovery prior to removal by the wrecker, if possible. Any evidence recovered will be noted on the offense report and shall be handled and stored per departmental procedures. The dispatcher shall then clear the vehicle from TCIC/NCIC. Release of the vehicle shall only be upon the authority of a supervisor, who will be immediately contacted if the owner requests that the vehicle be released.
- C. Where a vehicle reported stolen in another jurisdiction is recovered, an offense report will be completed and a teletype message will be sent to the agency carrying the vehicle as stolen, listing the following information:

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GENERAL ORDER**

Policy Number: **4.13**

Date of Issue: October 1, 2004

SUBJECT: SECURITY OF POLICE FACILITY

PURPOSE:

To insure safety of employees of the police department and confidentiality of information within the police department facility.

POLICY:

The police facility will be kept locked at all times except for the lobby entrance. All persons entering the police facility will be escorted by an employee of this department. Police officers from other agencies, immediate family members of employees and Aransas Pass city employees will be admitted without escort and directed to the appropriate location within the building.

DEFINITIONS:

- I. Immediate Family – Refers to the employee's spouse, children or parents.

PROCEDURES:

- I. Unescorted Persons
- A. Immediate family members will be permitted entry and allowed to go to the employee's individual office or work area if applicable.
1. It is the employee's responsibility to inform their family members to conform to this policy.
2. Employees will not permit their family members to freely roam this facility. This type of activity interferes with the work of others.
- B. Officers from other agencies will be allowed access to the facility unescorted.
- C. Other City employees who have business inside the facility will be granted access and immediate attention given to their needs.
- D. Contract workers, such as clean-up crews may be admitted without escort.
- E. Persons listed in the above categories, admitted without escort, must either be personally known to the employee admitting them or show positive proof of identification.

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: **4.16**

Date of Issue: October 1, 2004

SUBJECT: CRITICAL INCIDENT RESPONSE

PURPOSE:

To establish a policy for handling critical situations which threaten the safety or well being of our community.

POLICY:

Officers will make every feasible effort to resolve a critical incident with as little disruption of routine activities of the community as possible. However, the primary objective of responding to a critical incident is to gain maximum control of the incident as quickly as possible. This will be done by employing the minimum force necessary in order to maintain maximum safety for the community and officers. The first objective of responding officers will be to contain the incident and second to isolate the incident. The first officer on the scene will take charge immediately and will remain in charge until relieved by a supervisor.

DEFINITIONS:

Critical Incident – any incident, which by its very nature is a threat or potential threat to the community or officers. (Examples of critical incidents are hostage situations, barricaded person(s), sniper, or service of a warrant, which is expected to meet armed resistance.)

PROCEDURES:

- I. Critical Incident Response – In responding to hazardous critical incidents, the following steps will be followed:
 - A. Establish an inner perimeter.
 1. Evaluate bystanders and injured persons.
 - B. Establish a command post as soon as possible.
 - C. Establish an outer perimeter.
 1. Notify the Chief of Police and any additional personnel needed.
 - (a) San Patricio County SWAT Team.
 - (b) EMS and Fire Department.
 - (c) Texas Rangers for additional support such as hostage/crisis negotiators, air units, etc.

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- B. News media will not be allowed access to the command post. If the incident is big enough to attract the news media, a separate area will be designated for the press outside the outer perimeter.

IV. Designated Critical Incidents

- A. The following incidents require the use of critical incident response:

1. Hostage situations
2. Barricaded person(s)
3. Snipers
4. Hazardous warrant service
5. Riot
6. Supervisor's discretion

- B. Other situations may require critical incident response as determined by responding personnel, such as a manhunt or lost child.

END OF SECTION

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Policy Number: **4.23**

Date of Issue: October 1, 2004

SUBJECT: CRIME INVESTIGATIONS

PURPOSE:

The purpose of this order is to establish a chain of accountability for the investigation of criminal offenses.

POLICY:

Officers will make every reasonable effort to solve all offenses reported to this Department. Officers will seek witnesses to all offenses to which they are assigned. Officers will collect evidence, if feasible at all crime scenes and protect crime scenes from unauthorized personnel.

DEFINITIONS: (None)

PROCEDURES:

- I. Preliminary Investigation – The scope of the preliminary investigation by uniformed officers may be very restricted or it may constitute the entire investigation of the crime.
 - A. Uniformed officers shall conduct the follow-up investigation when there is reasonable chance of apprehending the suspect or when there is a need for obtaining additional information for the preliminary investigation report.
 - B. Upon arrival, if there are injured persons at the scene, obtaining medical attention for the injured persons is a matter of first priority.
 - C. Officers shall protect the crime scene as much as possible while medical personnel are treating any injured persons.
 - D. The first officer should also search for other victims or suspects that may be hiding on the premises. No evidentiary search should be conducted at this time. It will be necessary to establish if evidence can be legally collected before attempting to do so. No items should be moved or seized if there is a danger of destroying the evidence, or if the seizure of the evidence is done unlawfully.
 - E. After the officer has searched the scene for injured persons and/or offender(s) and the safety of officer(s) on the scene is insured, the officer should take the necessary steps to secure the scene as quickly as possible.
 - F. Generally, the scene approach needs to be conducted methodically and carefully. When an officer goes into a crime scene, they should be cognizant of:

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securing the scene has authority to order unnecessary people out of the crime scene including supervisors, by order of the Chief of Police.

B. A crime scene log will be kept of all persons entering and leaving the crime scene. The first officer on the scene has a duty in securing the crime scene and will be the custodian of the crime scene log.

C. Once the investigation is completed, the crime scene log will be submitted and become a part of the official report.

IV. Crime Scene Supervision – The criminal investigator will take command of a crime scene upon arrival. Once the investigator takes charge of the crime scene, the responsibility for that crime scene becomes his and it will be his responsibility to see that the scene is properly protected and processed. He has the authority to keep unnecessary people from entering the crime scene, including supervisors.

V. Death Investigations

A. A Supervisor will be called to all scenes where a death occurs and will notify the investigator on-duty or the investigator on-call. All deaths will be investigated as homicides.

B. The Justice of the Peace (Medical Examiner's Office for a death in Nueces County) will be notified as soon as possible in all cases where there was no physician in attendance (unattended death). Bodies at a death investigation scene will not be moved without the authority of the investigating officer and the Justice of the Peace or Medical Examiner's Office.

END OF SECTION

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: **4.25**

Date of Issue: October 1, 2004

SUBJECT: VACATION EXTRA PATROL

PURPOSE:

Private residences, which are left vacant when the owners are out of town, are prime targets for burglars. In an effort to reduce the burglary threat, the Department will provide increased patrol for residents who are away from home.

POLICY:

For security purposes, officers will routinely drive by houses that are placed on the Vacation Extra Patrol. Officers will pay close attention to the residence and investigate any suspicious circumstances. These houses will be patrolled when practical, but at least once on day shift, once on evening shift and twice on midnight shift.

DEFINITIONS:

None

PROCEDURES:

I. Eligibility

All single-family residences currently occupied are eligible for Vacation Extra Patrol Service. Residences not inhabited, such as houses for rent or for sale are not eligible. If there are people staying overnight for any period of time, these residences are not eligible. Special circumstances for residential or business extra patrol may be allowed as approved by the Chief of Police.

II. Length of Service

Vacation Extra Patrol Service will be provided for person(s) who will be away for at least three (3) days but not more than twenty-one (21) days.

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Policy Number: **4.41**

Date of Issue: October 1, 2004

SUBJECT: CANINE OPERATIONS

PURPOSE:

To establish guidelines to assist in the effective operation of a police canine unit for the Aransas Pass Police Department. The focus of which is aimed at protecting life and property by the utilization of officer/dog teams trained in the area of narcotics detection as well as tracking. Although the canine unit assigned to the Aransas Pass Police Department is currently only certified in narcotics detection, this policy covers other areas of responsibility in which a canine unit may be certified in the future, such as tracking, building searches, intervention and officer protection. It is the objective of this department to seek certification and training for the canine in these areas as the need arises and upon the direction of the Chief of Police. This policy provides procedures for the training, notification, documentation and operation of the canine unit to maximize its effectiveness toward the mission of our department.

POLICY:

The canine unit will be assigned to the Patrol division and under the direction of the Patrol Lieutenant. The canine handler(s) will be chosen by the Chief of Police and will be responsible for the proper care of the dog twenty-four (24) hours a day. All departmental personnel (officers and civilian support personnel) will be responsible for following the outline procedures in the utilization of the canine unit.

DEFINITIONS:

- I. Handler – the specialized trained officer assigned to a canine team who is responsible for the team and the dog.
- II. K-9 – the specific police dog, who is trained for police duties.
- III. K-9 Team – the individual team composed of the handler and the K-9.
- IV. K-9 Unit – the unit which consists of all police K-9 trained teams (future use).

PROCEDURES:

I. Normal Duty Hours

The K-9 team will be assigned a specific duty period by the Patrol Lieutenant which will best be suited to maximize the effectiveness of the team. The team will be assigned an eight (8) hour duty period with one hour set aside for the handler to inspect, groom and feed the dog as well as maintain the team's vehicle and kennel areas.

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A. The placement of the canine team in the escalation of force is as follows:

1. Officer Presence
2. Verbal Commands
3. Police Service Dog
4. Physical strength or capsicum spray
5. Approved baton
6. Approved firearm

IV. Documentation

A. Anytime that the Aransas Pass Police Service Dog is used to apprehend a suspect, a use of force report will be completed by the K-9 handler. If the dog effects the arrest with a bite and any sustained injury occurs, the following will take place as soon as possible:

1. Notification of paramedics to treat injuries;
2. Transport the prisoner to a medical facility if required;
3. Notification of the Chief of Police and the Patrol Lieutenant;
4. Photograph the injuries.

B. The canine handler will complete and maintain reports on all calls for service where the canine is used.

C. Each training session and/or certification test that is completed will be documented by the canine handler and kept in his files. A copy of the documentation will be forwarded to the department training officer.

V. Duties of the Canine Handler

A. While on regular duty, the canine team will be utilized the same as a patrol officer, handling calls for service and any other patrol duties. The canine team will be given priority to respond to all incidents or situations where their specialized training and skills will forward the goals and objectives of the department. Whenever possible, the canine team should not be routinely used for calls which would require extended periods of time of service.

B. The handler is responsible for completing all related canine team reports, activity logs, training and certification records, and updating them as necessary.

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be worn. The Chief of Police must approve any deviation from this section.

VIII. Training

- A. The department will provide time for training while the canine team is on-duty. This training can be completed during periods of light call loads during duty hours. Requests for extended training periods should be submitted to the Patrol Lieutenant.
- B. Training aids for narcotic detection will be obtained from the property officer through the narcotics evidence destruction log. The narcotics will be stored and utilized for canine training by the canine handler who will record all transfers of the narcotics. Once training is complete, the narcotics will be returned to the property officer immediately.
- C. Any loss or spillage of narcotics by the handler will be reported immediately to the Chief of Police through the Patrol Lieutenant in written form.
- D. Before being used on the street as a police service dog, the dog and handler will be properly trained and certified in each area of specialty. Re-certification will be done every year.
- E. The handler will become a member of the National Narcotics Detector Dog Association and/or other reputable police canine organizations. The handler will maintain contact with other trainers/training centers in order to keep abreast of the latest developments, innovations or areas of special attention pertaining to police canine activity.

IX. Operations

- A. The dog handler will decide on the method of deployment for their dog on all searches and tracking.
 - 1. Prior to the arrival of the canine team, the area to be searched will have an established perimeter created to avoid scent contamination.
 - 2. Dispatch will attempt to contact owners of property or property agents or representatives of structures to be searched. If contacted, dispatch will ascertain from the owner/agent if any authorized persons are believed to be on the property and their locations. Whenever possible, written permission will be obtained from the owner/agent of the property. Under

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- b. The policy should clarify that lockers, parking areas and personal items are subject to canine searches and that staff and students should have no expectation of privacy in these areas while on school property.
- c. The Aransas Pass Police Department must receive a form signed by the principal or superintendent of the school that section "a" and section "b" above have been accomplished and that it is understood that:
 - (1) Canine searches will be unannounced except by notifying the principal's offices the day of the search.
 - (2) The school will provide an escort during the search. This escort will be a School Liaison Officer and a Vice-Principal or Principal.
 - (3) Searches will not be restricted to any area nor will a time constraint be placed on the search.
 - (4) Enforcement action, impounding or evidence and case filing will be completed by the Aransas Pass Police Department.
 - (5) Canine searches of individuals (staff or students) will not take place under any circumstances.

2. Search of Students or Staff Members

- a. The utilization of a canine trained to active alert, in the search of individuals such as students or staff members would present a liability if any injury occurred and this will not be permitted under any circumstances.
- b. If the canine inadvertently alerts to an individual while it is searching the property, the canine will not be allowed to continue the search of the individual and the following actions will be taken:
 - (1) The individual will be identified and asked to give voluntary consent to search in either a written or verbal form (preferably written).
 - (2) If voluntary consent to search is given, a search of the individual will in a private area by an individual of the same sex.
 - (3) If voluntary consent to search is not given, the incident will be noted. However, if an inadvertent alert is positive, this

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- D. The handler will not display the aggressiveness of the dog without due cause.
- E. Although demonstrations are a part of the education of the community, the handler will not teach methodology, key word or tactics of the canine team without the approval of the Patrol Lieutenant.
- f. The canine team will not be utilized by any member of the department for off-duty employment or non-police enforcement activities without the approval of the Chief of Police.

END OF SECTION

ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER

Policy Number: **4.42**

Date of Issue: October 1, 2004

SUBJECT: MARINE OPERATIONS

PURPOSE:

To establish guidelines for the deployment and usage of watercraft operated by members of the Department while engaged in the activities of patrol, rescue, recovery, training or any other authorized activity on the water.

POLICY:

Marine Enforcement Officers shall enforce state laws and municipal ordinances. They may issue citations or effect arrests when appropriate. The Marine Enforcement Officer will be guided by official policy and procedures, which will aid him in performing his duties. Marine operations fall under the responsibility of the Operations Commander.

DEFINITIONS:

Marine Safety Enforcement Officer – Defined under Parks & Wildlife Code § 31.121 shall be referred to in this General Order as *Marine Enforcement Officers*.

PROCEDURE:

- I. Organization – Under this General Order, the Operations Commander's responsibilities include but are not limited to:
 - A. Training and certification of Marine Patrol Officers;
 - B. Supervision of marine training and marine patrol operations;
 - C. Maintenance schedule of watercraft or vessels used by the Department;
 - D. Community boating and water safety education.
- II. Training
 - A. All patrol officers must first attend and pass a Texas Parks & Wildlife Marine Safety Enforcement Officer class and other water safety courses required by the Department prior to any marine enforcement action by the officer. As a Marine Enforcement Officer, they may participate in marine operations but cannot operate the Aransas Pass Police patrol vessel(s) unsupervised.

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V. Vessel Response Codes

Code 1 – The vessel operator should proceed in a routine manner and avoid high speeds.

Code 2 – The vessel operator should respond at an accelerated speed on plane with emergency equipment in operation.

Code 3 – The vessel operator should proceed at an accelerated speed up to the maximum of the patrol boat appropriate for the prevailing conditions and safety, with emergency equipment in operation.

When responding Code 3, the operator must reasonably believe that an emergency exists and that by a quick response to the scene, the severity of the situation can be lessened. Under no circumstances shall a patrol vessel operator or crewmember place the safety of the team in jeopardy for any reason.

VI. Passengers and Observers

- A. Under no circumstances will Marine Patrol Officers allow passengers or observers onboard the police vessel while underway, during a marine operation or tour of duty. Other law enforcement agency personnel may be allowed with the approval of the Chief of Police or Operations Commander.
- B. Officers from other agencies must complete the necessary liability release paperwork (the same as land patrol) and be given a short briefing on water safety by the Marine Enforcement Officers prior to leaving the dock. If anytime a passenger becomes ill or a safety hazard to the patrol vessel or crew, the operator should return that person to shore at the earliest opportunity.

VII. Pre-Launch Check

- A. All vessels operated by the Department will have a complete safety inspection prior to leaving the launch area. The safety inspection will be in compliance with the Texas Water Safety Act for the size and classification of the vessel being utilized. This includes but is not limited to checking the vessel for existing damage, function of the propulsion device, type and number of personal floatation devices, emergency equipment onboard, fuel and oil levels checked and drain plugs in place. Prior to towing, the boat trailers and towing vehicles will be inspected for safety and compliance with the Texas Motor Vehicle Act.
- B. During the pre-launch, a boat plan will be filled out and held in the dispatch office. The boat plan should indicate the name of each person onboard the vessel,

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3. Marine Enforcement Officers shall make every effort to unload the prisoner at a dock in the City of Aransas Pass. A suspect should never be handcuffed while in a boat or upon a waterway unless officer safety overrules the liability of restraining a person susceptible to falling in the water where they could be injured. When enforcement action is taken against a rider of a personal watercraft, the violator will be followed to the nearest dock or launch site and the physical arrest will be conducted upon land as described above.
4. At no time will Marine Enforcement Officers use a Police patrol vessel to tow disabled boats or attempt to re-float boats that are aground. Commercial boat towing companies are available to the stranded boater needing assistance. The exception to this rule is in an emergency operation approved by the Chief of Police or the Operations Commander, or when there is risk of injury to one or more persons.

IX. Emergency Operations

- A. There will be times when an emergency situation requires a rapid response of Marine personnel. During these times, safety must remain a key factor. However, certain procedural events can be shortened or completed after the emergency operation has concluded.
 1. The boat plan requirement can be made verbally to the dispatcher via radio or cell phone at the beginning of the operation. Upon completion of the emergency operation, the boat plan should be completed and filed as per regular procedures.
 2. Maintenance and vessel clean up after an emergency operation can also be postponed until the following day or as directed by the on-duty supervisor.

X. Impound Of Vessels Or Property

- A. Marine Enforcement Officers should keep in mind that the Department does not have the facilities to store vessels impounded and that impoundment of a vessel is a time consuming and costly operation.
 1. If an owner/operator is arrested, every attempt will be made to release the vessel to someone of the owner/operator's choice after a vehicle inventory form is completed by the officer and signed by the person taking custody.

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Policy Number: **4.46**

Date of Issue: October 1, 2004

SUBJECT: POLICE MOTORCYCLES

PURPOSE:

To establish guidelines for the safe operation and use of police motorcycles for traffic enforcement, accident investigation and general patrol duties.

POLICY:

Due to the inherent dangers of motorcycles and their low visibility, it will be the policy of the Aransas Pass Police Department to implement procedures, which will minimize the risk of injury and both to assigned patrol officers and motorists in Aransas Pass. All cautions must be utilized to the fullest by each officer assigned to operate a motorcycle unit. Every motorcycle officer will fully utilize his experience and training in driving DEFENSIVELY at all times while being cognizant of other motorists who may not see the approaching motorcycle unit. Motorcycle officers should never assume that another motorist has seen his/her police motorcycle and must therefore drive accordingly.

DEFINITIONS:

None

PROCEDURE:

I. Approved Training

- A. Any officer wishing to operate a police motorcycle in his capacity as a peace officer for the City of Aransas Pass and at the direction of the Chief of Police, must possess at least a class CM Texas drivers license which authorizes him to operate a motorcycle under existing state laws and regulations.

- B. Any officer assigned to operate a police motorcycle must within the first one hundred eighty (180) days enroll in and successfully complete a TCLEOSE approved motorcycle driving course, which covers aspects of police motorcycle skills.

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- F. *PURSUIT DRIVING* - In the event a motorcycle officer is subject to a pursuit situation, it will be policy that the motorcycle officer pursue the violator only until which time a marked patrol unit can arrive in the area and assume the lead pursuit position. The motorcycle officer will then be engaged in the pursuit only as an observer and not in an active role. If a motorcycle officer advises dispatch of an impending pursuit and a marked unit is unavailable or cannot reach the area of the pursuit in a safe and timely manner, then the motorcycle officer will terminate the pursuit.

IV. Traffic Enforcement

The role and responsibilities of police motorcycle officers will be the same as that for patrol officers assigned to marked police cars with the exception of Section III paragraph D (passenger/prisoner transport) and Section III paragraph F (pursuit driving).

END OF SECTION

ARANSAS PASS POLICE DEPARTMENT

GENERAL ORDER

Policy Number: **4.48**

Date of Issue: October 1, 2004

SUBJECT: MOBILE VIDEO / AUDIO RECORDING EQUIPMENT

PURPOSE

The purpose of the policy is to reaffirm the Aransas Pass Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

POLICY

It is the policy of this department to police in a proactive manner, and to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person

DEFINITIONS

Racial Profiling – A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on an individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate

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for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

An individual appointed or elected as a police chief before the effective date of this act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

COMPLAINT INVESTIGATION

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- B. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
- C. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
- D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- E. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: 4.48

Date of Issue: October 1, 2004

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

This department shall retain the video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

WHEN AUDIO AND/OR VIDEO EQUIPMENT HAS FAILED

An officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information when the audio and/or video equipment has failed:

- A. A physical description of each person detained as a result of the stop, including:
 - 1) The person's gender;
 - 2) The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
- B. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.
- C. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
- D. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
- E. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
- F. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
- G. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: 5.01

Date of Issue: October 1, 2004

SUBJECT: COMMUNICATIONS

PURPOSE:

To establish general operating procedures within communications.

POLICY:

All communications personnel will abide by all of the policies and procedures of the Aransas Pass Police Department. Communications personnel will be held to the same high standards of all sworn personnel. Communications personnel will insure that our twenty-four hour communications systems, which includes but is not limited to: 911, non-emergency telephones, lobby walk-in contacts, TDD and radio system is staffed and operational at all times. Communications personnel will control all tracking, recordings, logs and maintain any audio and video recording systems. Prompt, courteous response to all radio and telephone calls is imperative.

DEFINITIONS:

Communications Personnel – Any individual whose primary job assignment is within communications. Within the scope of this policy, personnel may also be referred to as dispatchers, operators or officers.

PROCEDURES:

I. Calls for Service

- A. A call for service may originate either by telephone, radio or in person. All calls will be answered promptly, courteously, and professionally. The call for assistance may originate either internally, such as an officer or other city department, or externally, such as a citizen or other governmental entity. Although it is preferred that a complainant provide identification, it is not mandatory and we will investigate anonymous complaints within the scope of our authority and jurisdiction.
- B. Communications personnel will insure that they obtain adequate information to accurately determine the nature of the call, the appropriate persons or agency to notify and enough information to reasonably insure officer safety and/or suspect apprehension. This becomes extremely important when crimes are in progress.
- C. Communications personnel will insure the call sheets are entered into the computer system, and record:

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possible. Callers should not be placed on hold for extended periods of time waiting to speak with a particular individual, but rather a message should be taken and the call returned.

II. Special Calls For Service

- A. Medical Emergencies – Communications primary duty is to get the appropriate medical personnel enroute immediately to a location in response to any medical emergency. Depending on the nature of the call, the dispatcher may need to dispatch appropriate personnel prior to obtaining all the needed information. Dispatch personnel should not attempt to give medical advice over the telephone unless they have been trained to do so.
- B. Fire – Communications primary responsibility is to get the appropriate fire personnel enroute immediately to a particular location. Depending on the nature of the call, the dispatcher may need to dispatch appropriate personnel prior to obtaining all the needed information. Police personnel will be notified in the event of a structure fire after appropriate personnel are enroute.
- C. Call Cancellation – Whenever a request for police, fire or ambulance service is taken and dispatched, and the caller later requests that the responding units be cancelled, the dispatcher will not cancel the responding units. The dispatcher will only notify the responding units of the caller's request to disregard.
- D. Alarm Calls - Communications primary responsibility is to get police personnel enroute immediately to a particular location. Once an alarm has been dispatched, the dispatcher will not cancel the responding units. The dispatcher will only notify the responding units of the caller's request to disregard.

III. Security

- A. Communications personnel will not allow unauthorized persons access to the police facility or communications. A breach of security will be immediately be reported to the on-duty supervisor and recorded on the dispatch log.
- B. Communications personnel will not use or allow access to TLETS or APPD terminals for non-law enforcement purposes. Unauthorized persons will not view information obtained and displayed, either by printing or by video. Communications personnel are responsible to inform all police personnel regarding loitering within the communications area. Communications personnel will immediately notify the on-duty police supervisor of any employee who refuses to leave after being advised of this policy.

**ARANSAS PASS POLICE DEPARTMENT
GENERAL ORDER**

Policy Number: **5.8**

Date of Issue: October 1, 2004

SUBJECT: JAIL OPERATIONS

PURPOSE:

The purpose of this order is to provide guidelines to ensure fair and equal treatment and care of all persons incarcerated in the Aransas Pass Police Department jail.

POLICY:

All persons arrested by Aransas Pass Police Officers will be processed through our jail in order to maintain proper records of the arrest. All arrested persons will be arraigned as soon as possible after the arrest. All arrested persons shall be photographed, logged and fingerprinted prior to being released from the jail.

DEFINITIONS:

Jail Supervisor – The on-duty supervisor who will be responsible for the supervision and maintenance of the Aransas Pass jail facility.

Officer – Officer in this policy may refer to a regular police officer or a reserve law enforcement officer.

PROCEDURES:

- I. Supervisor – The on-duty supervisor shall inspect the jail routinely for cleanliness and proper working condition of plumbing and other fixtures. He will make sure that all cells and bedding are kept clean. Any fixture found to be inoperative will be immediately be reported to the Station Commander who is responsible for jail maintenance.
- II. Booking of Prisoners – The officer who makes an arrest is responsible for the admission of the prisoner into the jail facility. He will insure that all appropriate paperwork is filed, and will insure that probable cause exists for the arrest.
 - A. Upon admission to the jail facility, prisoners will be completely searched prior to being placed in a cell. Female prisoners will only be searched by a female officer or designated employee.
 - B. All property will be removed from the prisoner, inventoried and listed on the booking sheet. When the prisoner is released, all property belonging to the prisoner will be released back to him, provided that it has not been seized as evidence or forfeiture.

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Date of Issue: October 1, 2004

prisoners who are required to take medicine prescribed by a physician or dentist. However, the medication must:

1. Be in the original prescription bottle,
2. Be labeled by the pharmacy with the prisoner's name, the medication name and the dosage instructions.
3. Be noted by the officer on the prisoner medication form, the date and time the medication was dispensed to the prisoner.

IV. Prisoner Inspection – The on-duty officer assigned to make jail checks will be responsible for the inspection of prisoners while they are held in our facility. A prisoner check will be made once every hour. A designated police officer will make the jail check once per hour by speaking with each prisoner, assessing their needs, if any, and sign the jail log, indicating the date, time, number of prisoners checked, and any condition he feels should be noted.

V. Prisoner Feeding – Prisoners will be fed three times per day. A prisoner's family or friends may bring in food, provided that the food/drink is in Styrofoam or plastic containers. These items must be searched prior to being given to the prisoners. Meals brought in by family members may be considered as one of the three meals. The Station Commander will insure that there are sufficient food supplies in stock. Prisoner meals will be noted on the jail log. Intoxicated persons arrested will not be fed until they have been incarcerated a minimum of four (4) hours.

VI. Telephone Use – Prisoners may make as many phone calls as they like using the phones that are installed in each jail cell. When a jail phone is out of order or a prisoner cannot make contact by collect call, they may be allowed to use the telephone in the jury room, provided that the call is not a long distance or toll call.

END OF SECTION